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इस भाग में भिन्न पृष्ठ संलग्न वी जाती है जिससे कि यह ग्रलग संकलन के क्षम में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

नोटिस

NOTICE

नीचे लिखे भारत के असाधारण राजपत्र 27 अक्टूबर 1967 तक प्रकाशित किये गये :—
The undermentioned Gazettes of India Extraordinary were published up to the 27th October, 1967:—

| Issue No. | No. and Date | Issued by | Subject |
|-----------|-------------------------------------|--|--|
| 503 | S.O. 3777, dated 21st October, 1967 | Ministry of Commerce | Amendment to the Exports (Control) Order, 1962. |
| 504 | S.O. 3877, dated 24th October, 1967 | Ministry of Labour, Employment and Rehabilitation. | Appointment of Shri A.T. Zambre, as the Presiding Officer of the Industrial Tribunal at Bombay. |
| | S.O. 3878, dated 24th October, 1967 | Do. | Appointment of Shri A.T. Zambre as the Presiding Officer of the Labour Court at Bombay. |
| 505 | S.O. 3879, dated 25th October, 1967 | Ministry of Home Affairs. | Suspending the operation of the certain provisions of the Government of Union Territories Act, 1963 (20 of 1963) for a period of six months in relation to the Union territory of Manipur. |
| 506 | S.O. 3880, dated 26th October, 1967 | Central Board of Direct Taxes. | Corrigenda to S.O. 3218, dated 6th September, 1967. |

| Issue No. | No. and Date | Issued by | Subject |
|-----------|--------------------------------------|----------------------|---|
| 507 | S.O. 3881, dated 26th October, 1967. | Ministry of Commerce | Suspension of forward trading in jute goods. |
| 508 | S.O. 3882, dated 27th October, 1967. | Do. | Further amendment to the Exports (Control) Order, 1962. |

ऊपर लिखे ग्राम पंचायतों की प्रतियां प्रकाशन प्रबन्धक, निविल लाइन्स, दिल्ली के नाम मांगपत्र भेजने पर भेज दी जायेंगी। मांगपत्र प्रबन्धक के पास इन राजपत्रों के जारी होने की तारीख से 10 दिन के भीतर पहुंच जाने चाहिए।

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

भाग II—लाप्त 3—उपलब्ध (ii)

PART II—Section 3—Sub-section (ii)

(रक्षा मंत्रालय की छोड़कर) भारत सरकार के मंत्रालयों और (संघ अधीक्ष प्रशासन को छोड़कर) केन्द्रीय प्राधिकरणों द्वारा जारी किए गए विविध शाब्देश और अधिसूचनाएं।

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administration of Union Territories).

ELECTION COMMISSION, INDIA

New Delhi, the 5th October 1967

S.O. 3967.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the order pronounced on the 21st September, 1967, by the High Court of Madhya Pradesh, Jabalpur, in Election Petition No. 10 of 1967.

Shri Dharmadhikari

Shri L. S. Baghel

Shri J. S. Verma

ELECTION PETITION No. 10 OF 1967

Shrimati Sahodrabai Rai aged about 48 years, Widow of Shri Murlidhar Rai, Agriculturist, resident of Village Karrapur, Tahsil and District Sagar—Petitioner.

Versus

1. Ram Singh Aharwar aged about 27 years, son of Ganpatlal Aharwar, resident of Purbiyau Tori, Sagar, Tahsil and District Sagar.

2. Churaman aged about 50 years, son of Ramle, resident of Silar P.O. Deori, Tahsil Rehli, District Sagar.

3. Sunderlal, aged about 30 years, son of Bakkal, resident of Mohal No. 14, Sadar Bazar, Sagar, Tahsil and District Sagar—Respondents.

ORDER

The petitioner Shrimati Sahodrabai had filed this election petition on 5th April, 1967 challenging the election of the first respondent Shri Ram Singh

who was elected from Sagar Lok Sabha Constituency No. 24 a member of the Lok Sabha. Four candidates in all, including the petitioner, contested the election. The petitioner has impleaded all the rival candidates as respondents in his petition. The election of the first respondent is, *inter alia*, challenged on the ground that he resorted to various corrupt practices described in section 123(2), 123(3) and 123(4) of the Representation of the People Act, 1951 (hereinafter called the Act).

2. In paragraph 4(ii)(A) of the petition, it is averred that the basis of the corrupt practices committed by the first respondent is a pamphlet published and circulated throughout the Constituency by him, his agents and workers with his consent. It is further stated in the same paragraph of the petition that "a copy of the pamphlet is filed herewith as Annexure A to this petition. It forms part of the petition". The pamphlet is printed in Hindi and it bears the caption "वाज्रघात धोखा विवादान". When it was filed with the petition, it bore the mark "D-A".

3. After filing his written statement on 3rd July, 1967 the first respondent made an application on 3rd August, 1967 raising the objection that the petition was liable to be dismissed for non-compliance of section 81(3) of the R.P. Act 1951 as copy of the said pamphlet annexure A which was made part of the petition was not filed in the office of the High Court at the time of the presentation of the petition for being served on the respondents. The petitioner in his reply denied the fact asserted in the application by the first respondent. Therefore, on 4th August, 1967 an additional issue was framed which reads as follows:—

"Whether the election petition is liable to be dismissed for contravention of section 81(3) of the R.P. Act, 1951, as copy of annexure A to the petition was not given along with the petition for being served on the respondents."

4. The said issue can be considered into two parts. The factual part of the issue relates to the question whether copies of the pamphlet marked "D-A" were given or not at the time of the presentation for being served on the respondents. The legal part of the issue is whether due to non-compliance of section 81(3) of the R.P. Act, the petition is liable to be dismissed under section 86(1).

5. It would be convenient to deal with the factual part of the issue first. The petitioner has examined two witnesses including herself to prove the facts covered by the issue. Her second witness is her counsel Shri Manjanlal Chansoria. The respondent examined himself and his two witnesses Sunderlal Mandla (R.W.2) and his counsel Shri Lal Satyendra Singh (R.W.3). Shri R. S. Pardesi, Reader to the Deputy Registrar (Judicial), was examined as a court-witness.

6. Before I discuss the various questions raised by the learned counsel for the petitioner, it would be helpful to narrate the substance of the statements of the said witnesses. The petitioner Sahodrabai deposed that she had filed along with the election petition her affidavit and a bulletin which bears the heading "Vajraghat". This bulletin is the same as "D-A". She further stated, that she had filed three copies of the election petition, three copies of her affidavit and three copies of the said bulletin for being sent to the respondents. In her cross-examination she stated that she had arranged all the papers herself and had shown them to her counsel Shri G. D. Agarwal and Shri M. L. Chansoria. She further stated that along with the petition she had also arranged some documents pertaining to a dacoity, about re-count and about some disturbance of peace and some police reports. She stated that she had prepared a list of all these documents. She said that she had prepared a list in Hindi which was finally typed in English and the documents were filed in Court two days after she had prepared them. She was however unable to state correct number of the documents. She denied the suggestion that she had not filed copies of the hand-bill bearing the caption 'Vajraghat' and other documents with the petition. She also stated that nothing in ink was written on the hand-bill 'Vajraghat' except the printed matter that it contained at the time of presentation.

7. Shri Manjanlal Chansoria stated in his examination-in-chief that this election petition and election petition No. 11/67 along with their papers were checked by him at the same time one after the other. He stated that after checking these papers at the clerk's table, he took the petitioner Sahodrabai and the petitioner in the other case Dwarka Prasad Katare to the Deputy Registrar's

Office and the election petitions were presented by the petitioner and he was there at the time of presentation. He admitted his presence in the Court on the day when Shri R. S. Pardesi was examined in the Court as a Court-witness and to have remained present throughout the time he was examined. He asserted that Shri Pardesi's statement about the corrections having been made in the documents filed along with the other petition No. 11/67 was done in the office of Shri Dharmadhikari and the word "annexure" which was at first written on the three documents accompanying that petition was scored out and instead the word 'document' was written. He maintained that Shri Pardesi's version about the said corrections having been made only in his presence at the time of the scrutiny was incorrect. He also stated that he had read the scrutiny report of Shri Pardesi on 10th April, 1967 and he admitted that the changes in the scrutiny were made on 10th April 1967 at the time of scrutiny but when his attention was drawn to the changes made in the scrutiny report he stated that he did not notice the word "altered" and he could not say what was altered in columns 5 and 7 of the scrutiny report pertaining to the election petition No. 11/67 and what different entries were made in these two columns. The last question put in the cross-examination suggested to the witness that at the time of the filing of the petition the importance of giving the copies of annexures which were made part of the petition to the respondent was not known or appreciated but now that stand is being taken to help the petitioner and the witness denied the suggestion as being absolutely wrong.

8. Ram Singh (R.W.1) in his examination-in-chief and in the affidavit which he had filed on 3rd August, 1967 stated to the effect that along with the notice of the petition he had only received a typed copy of the petition and a typed copy of the affidavit of the petitioner but did not receive any copy of the printed Hindi pamphlet marked "D-A". In his cross-examination he stated that he had not seen even up to the date of his deposition the said pamphlet marked "D-A" and the answers given in the written statement touching the said pamphlet are based on the suggested replies which his counsel Shri L. S. Baghel (Shri Lal Satyendra Singh Baghel) suggested to him. He clearly admitted that all his replies pertaining to the pamphlet were exclusively based on the information given by Shri Baghel and he made no enquiries from any other source. He was asked about having verified contents of para 4(ii)(a) of the written-statement on the basis of his personal knowledge. He admitted to have done so as he could not make much distinction between 'personal knowledge' and the 'information which he got from his counsel.' He further stated that he told his counsel that he had not received a copy of the annexure referred to in para 4(ii)(A) of his petition.

9. Sunderlal Mandle (R.W.2) is the third respondent in the case. He stated in his examination-in-chief that the notice of election petition accompanied by a copy of the petition and a copy of an affidavit of the petitioner Sahodraba was served on him but no other document printed in Hindi was served upon him. In his cross-examination his attention was drawn to the Hindi pamphlet marked "D-A" and he stated that he was seeing it in Court for the first time.

10. Shri Lal Satyendra Singh (R.W.3) in his affidavit dated 21st August, 1967 stated that he was approached by Parasram Sahu, the first respondent in election petition No. 11/67, on 29th May, 1967 in the morning for being engaged as his counsel in that petition and Parasram Sahu had handed over the papers together with notice of the petition received by him from the High Court to him. On reading them he found that no copy of annexure A mentioned in para 4(A) of the petition in election petition No. 11/67 was contained in the papers handed over to him and that on his enquiry Parasram Sahu had told him that only papers received by him from the High Court together with the notice were those which had been handed over to him by Parasram. He further said that for the purpose of drafting a reply of that petition it was necessary to see annexure A (of election petition No. 11/67) and as such he filed his Vakalatnama in that election petition on 29th May, 1967 and also inspected the record of that petition on that day and that after making inspection of the record he informed Parasram Sahu on the same day about the contents of annexure A etc., and asked him to gather information about them and thereafter Parasram Sahu went back and returned after about ten days. On return of Parasram Sahu he drafted the reply on the basis of the inspection of the record made by him and the information supplied to him by Parasram Sahu. He further said that on comparison of the two election petitions Nos. 11/67 and 10/67, he found that the election petition of this case (No. 10/67) was identical in the matter of the allegations about the document 'A' so he adopted the written-statement prepared by him in case No. 11/67 in this case also. He admitted that he had not shown the pamphlet having the caption "Vajraghat" to Ramsingh, the respondent No. 1

in this petition. He was asked particularly that when he had drafted the written statement in this case on 2nd July, 1967, why did he not specifically raise the question of non-compliance of the provisions of section 81(3) which he was now raising. He answered that in the election petitions which were drafted by him he had adopted the course of not supplying the documents to the other side and he thought that it was a correct course and therefore he did not raise the objection which he has now raised. He also admitted that the objection raised by him about the non-compliance of section 81(3) had been raised on his own initiative.

11. Shri R. S. Pardesi stated that this election petition was presented to the Deputy Registrar on 5th April, 1967. He had fixed 10th April, 1967 as the date of scrutiny. The scrutiny was made by him on 10th April, 1967. Shri G. D. Agarwal and Shri M. L. Chansoria, Advocates, attended. When they came he showed them his report marked "Y" dated 10th April, 1967 and pointed out that no annexures had been filed. They did not tell him anything in reply. In his scrutiny report he had recorded the fact of no annexures having been filed. He further stated that the document marked "D-A" was never filed as an annexure but only as a document. When question by the counsel for the first respondent, he stated that he had checked the documents filed with the petition as also the copies of the petition. He asserted that with the petition only one document which is marked as "D-A" and having the caption "Vajraghat" was filed. Other documents on behalf of the petitioner were filed on 13th July, 1967. He clearly stated that along with the petition no copy of "D-A" (except the one which is filed with the petition was filed nor was any other pamphlet filed. In his cross-examination by the learned counsel for the petitioner, he stated that he did not read the contents of the petition at the time of the scrutiny. He further said that he did not read that part of the petition [para 4(ii)(A)] where it is stated that an annexure was filed as part of the petition. He admitted having noted in column 6 of his scrutiny report that the petition was accompanied by necessary copies of the petition and process-fees and stated that he did not record in his scrutiny report about the non-filing of the copies of "D-A" as the said document was filed as a "document" and copies thereof were not supplied. In column 5 of the scrutiny report, he admitted having written the words "no annexure" in pencil and stated that the scrutiny report was written some time before 10th April, 1967 but he could not say on what particular day the ink portion thereof was written and when was col. 5, written in pencil, filled up. At the bottom of his report he admitted having written the words "annexures and documents to be verified." He admitted that he had written these words for his own guidance. The statement of the witness in election petition No. 11/67 was read out to him from the record of that case and he was asked that in that case when he had stated that he was not sure of having seen documents A, B and C having been filed or not, how was he certain about the copies of "D-A" not having been filed in this case for being served on the respondent. and the witness stated that he was certain because in this case only one document had been filed and normally copies of documents are not filed for being given to the other side. In paragraph 4 of his deposition he stated that on the date of scrutiny he had told both the counsel of the petitioner, who were present, about not having filed any annexure and they had said that "D-A" was filed as a document. He was sought to be confronted with his statement in para 2 of his deposition where he had said that when he showed his scrutiny report to the two counsel and had told them that they did not file any annexure, they did not give any reply. He tried to explain the alleged contradiction by saying that by not giving any reply he meant that they agreed with him and did not contradict him. In para 6 of his deposition he admitted that he had never worked as Inspection Clerk before and he was not acquainted with the procedure, if any, that every correction is to be signed and dated. He further stated that if the amendment was merely clerical, then while checking he used to get it corrected, otherwise the matter is always put up before the Court. He also stated that for minor corrections, signing the initials or putting dates was not insisted upon. It was put to him that he was giving the statement after having read the statement of Shri Chansoria, and he denied the suggestion and stated that though he knew that Shri Chansoria was examined in this case or in election petition No. 11/67, he did not come to know about the contents of his deposition. He also stated that in none of the election petitions, copies of the documents which were filed as documents, were filed for being served on the respondents, though he admitted that he would not be able to say whether in the case of Baljnath Prasad Dubey copies of the documents were supplied for being served on the respondents.

12. The first contention raised on behalf of the petitioner is that the fact of three copies of the document marked D-A having been filed in the office of the High Court at the time of presentation of the petition for being served on

the respondents is fully proved by the sworn testimony of the petitioner herself and her witness Shri Manjanlal Chansoria, Advocate. It is further urged that the positive testimony of these witnesses should be preferred to the negative versions of the respondent and his witnesses. It was also stressed that as the first respondent omitted or neglected to question Shri M. L. Chansoria about the supply of as many copies of the annexure or document D-A as there were respondents, therefore the fact of the supply of the copies having been filed for serving on the respondents should be taken as accepted. In the same connection, it is also urged that the testimony of Shri R. S. Pardesi, who was examined as a Court-witness, also suffers from some infirmities and therefore his version also does not deserve to be accepted. Lastly it has been contended that the objection raised by the first respondent about the non-supply of the document D-A with the petition is a belated one and is *mala fide* and on this ground also it should be rejected.

13. It is true that both the petitioner and Shri M. L. Chansoria have affirmatively stated that the copies of the said annexure or document D-A were filed at the time of the presentation of the petition. If these statements could be held to be true and reliable, it is plain that the petition cannot be thrown out for non-compliance of section 81(3). However, the most important question for consideration is whether their statements can be accepted. The acceptance of their statements would depend on the fact as to whether the statements made by them in the Court are natural and probable in the circumstances and if their statements are found to be suffering from any serious infirmity or inherent improbability, naturally their credibility would be affected.

14. The gist of the statement of the petitioner has been stated by me in paragraph 6 of the order. Her evidence that she had arranged papers before the petition was filed and that she had prepared a list of the documents to be filed in Hindi is not corroborated by any other evidence on record. Her version that she had arranged documents two days before the presentation appears to be erroneous because excepting the document D-A, all other documents filed on behalf of the petitioner in the Court were filed on 13th July, 1967. If it were true that these documents were filed two days after she had arranged, then the date on which she arranged those documents would be 11th July, 1967 and this date falls more than three months after the date of the presentation. It is also worthy of note that she has stated that certain documents pertaining to some dacoity and breach of peace were arranged by her for presentation in Court. No such documents, however, appear to have been filed in the case. It is also pertinent that though her counsel Shri M. L. Chansoria has been examined in the case, he has not stated anything to support her version that she had arranged all the papers herself in the first instance. If the papers were already arranged by the petitioner as she claims to have done, obviously it would be unnecessary for Shri Chansoria to examine the papers twice over as he has stated in his deposition. She could impart substance to her story by examining Shri G. D. Agarwal as a witness in the case to whom she stated to have shown the papers before presentation of the petition and by producing the Hindi list which had been prepared by her. That has, however, not been done. The obvious weakness of her statement consists in the fact that on very many points where corroboration was possible if her story was approved, no corroborating evidence has been adduced. I am not impressed by the statement of the petitioner and do not place any reliance on her statement.

15. I may now come to the statement of Shri Manjanlal Chansoria. There is no doubt that he is a respectable witness being a practising advocate of this Court. However, in my opinion, his statement is full of such infirmities that it would be unsafe to place reliance on it. The first thing which strikes in his statement is that according to him the word "annexure" on each one of the three documents filed with the election petitioner No. 11/67 was changed into the word 'document' at the office of Shri Dharmadhikari Advocate before the presentation of this petition. This version does not stand the test of scrutiny. A bare look at the scrutiny report made by Shri R. S. Pardesi in that case convinces that columns 5 and 7 would have been differently filled up by him if the word 'annexure' on the said document had been scored out in the office of Shri Dharmadhikari and did not exist at the time of his first scrutiny. Shri Chansoria was specifically questioned about the entries made in cols. 5 and 7 of that report in his cross-examination. His attention was drawn to the words "not verified" written in col. 5 of the scrutiny report which is meant to show as to whether the annexures are verified or not. He failed to give any acceptable explanation about the said words having been written by Shri Pardesi if the word 'annexure' had already been substituted by the word 'document' at the time of the presentation. All that Shri Chansoria said was that he had not

noticed the entries made by Shri Pradesi in these columns at the time of scrutiny. This explanation, in my opinion, does not amount to an explanation. It is significant to note that in paragraph 6 of his deposition he admitted his presence at the time of the scrutiny. He also admitted the fact that he had read the scrutiny report of Shri Pardesi. The absence of explanation in these circumstances creates a serious infirmity in his deposition. I may also stress that it is a well settled principle of appreciating evidence that the incidents have to be judged in the light of what preceded or followed and it would be an error to segregate the incidents and test their veracity in isolation (see *Nand Kishwar v. Copal Bux*: AIR 1940 PC 93) for these reasons, I do not place reliance on the statement of Shri Manjanlal Chansoria.

16. Further, the testimony of the petitioner and Shri M. L. Chansoria is fully rebutted by the evidence of the first respondent Ramsingh and his witnesses Shri Sunderlal Mandle (R.W.2) and the counsel of the first respondent Shri Lal Satyendra Singh (R.W.3) whose statements I have extracted above. The evidence of the respondent Ramsingh and Shri Sunderlal Mandle (R.W.2) establishes that they did not receive with the notice of the petition a copy of the said annexure or document marked D-A. They have deposed that all that they had received with the notice was a copy of the petition and a copy of the affidavit of the petitioner. Respondent Ramsingh stated further that he had told his counsel that he did not receive a copy of the annexure referred to in para 4(ii)(a) of the petition. The statements of these two witnesses do not appear to suffer from any such weakness or infirmity on the basis of which they can be disregarded. In fact, the statement of respondent Ramsingh finds further support in the statement of his counsel Shri Lal Satyendra Singh who has stated in his affidavit that respondent No. 1 informed him that no copy of the annexure D-A was served on him along with the notice of the petition. He also testified to the fact that when he questioned the first respondent, he told him that no copy of the annexure D-A was served on him along with the notice of the High Court containing typed copy of the election petition and the affidavit of the petitioner. Ramsingh (R.W.1) in his deposition made it plain that the answers given in the written statement touching the said pamphlet were all based on the suggested replies which his counsel Shri Lal Satyendra Singh Baghel suggested to him. It does not appear likely in the circumstances of the case that the first respondent received a copy of the annexure or document marked D-A and suppressed that document with oblique motive to raise a question of non-compliance of section 81(3). If that question were so present to his mind, when he came to his counsel, the objection about non-compliance of section 81(3) would have been raised in the written statement as it was originally filed but no objection therein was taken about the non-compliance of section 81(3). In fact, the counsel for the respondent was questioned about not raising the objection at the time when he filed the written statement and he plainly stated that in the election petitions filed by him his practice was no to give copies of the documents to the other side and he thought that that practice was correct and therefore he had not raised that objection. He also frankly stated that the question was not raised at the instance of the party but on his own initiative. On the strength of these facts my view is that in the instant case the assertion of the respondent that he did not receive a copy of the document or annexure D-A which is corroborated by the version of his counsel goes a long way to prove that the copy of the said annexure had not been filed for being delivered to the respondents with the petition. The oath of the respondent is amply supported by the probabilities of the case. Further I am of the view that though the objection about the non-compliance of section 81(3) was taken after filing the written statement, it cannot be said to be *mala fide* and cannot be thrown out only on the ground of delay.

17. It has been vehemently urged that as no cross-examination was directed on the statement of Shri Chansoria about three copies of the document D-A having been furnished at the time of the presentation of the petition for service on the respondents, the omission should go against the first respondent and it should be taken as an acceptance of the truth of that part of the witness's evidence. I am unable to agree. In the first place, I may point out that the last question which had been put to Shri M. L. Chansoria in his cross-examination clearly suggested to him that his version of supplying copies of document D-A at the time of the filing of the petition for being served on the respondents was an after-thought which was not present to his mind at the time when the petition was filed. The question put may not amount to a detailed cross-examination in the sense that more questions on the point could be put yet when that suggested as an after-thought has been accepted without challenge by the respondent was merely asserted as an after-thought, it cannot be said that the fact suggested as an after-thought has been accepted without challenge by the respondent. Secondly, I am of the view that if there are inherent improbabilities

even in the absence of cross-examination it cannot be urged that the fact on which cross-examination has not been directed must be accepted. This view has been taken in *Karnidan Sarda and another v. Sailaja Kanta Mitra*; AIR 1940 Patna 683, and *Jayalakshmi Devamma v. Junardhan Reddy*; AIR 1959 A.P. 272, where the principle laid down is that if there is anything in a witness's statement which is questionable or which requires explanation and the opponent avoids asking questions on those matters in cross-examination, it must be assumed that the evidence in chief examination must be accepted unless of course there are inherent improbabilities (underlining has been done by me). The court is not precluded from assessing the veracity of a witness even if he is not cross-examined (see *Ambika Singh v. State*; AIR 1961 ALL 38).

18. Marshall J. in *Bourda v. Jones* (110 Ws. 52—85 N.W. 671) said that—

"It is not infrequently supposed that a sworn statement is necessarily proof, and that, if uncontradicted, it establishes the fact involved. Such is by no means the law. Testimony regardless of the amount of it, which is contrary to all reasonable probabilities or conceded facts, testimony which no sensible man can believe—goes for nothing; while the evidence of a single witness to a fact, there being nothing to throw discredit thereon, cannot be disregarded."

For all these reasons, I hold that the contention of the petitioner on this point also is without any merit.

19. I may now examine the statement of Shri R. S. Pardesi who had scrutinized the petition. He in unambiguous language stated that copies of Ex. D-A for being served on the respondents were not filed at the time of the presentation of the petition. In the normal course of business if the copies of Ex. D-A had been supplied with the petition they would have been sent on for service on the respondents. Thus the versions of Ramsingh (R.W.1) and Sunderlal Mandle (R.W.2) about the non-receipt of Ex. D-A find ample support from the statement of Shri R. S. Pardesi. Shri Pardesi was cross-examined at length on the question as to how he remembered the particular fact of copies of Ex. D-A not having been supplied for service on the respondents and the answer given by the witness that he was certain because in this case only one document had been filed and normally copies of those documents which are filed as documents are not given for being served on the other side appears to me to be convincing and satisfactory. It is to be borne in mind that Shri R. S. Pardesi is an independent witness and it has not been shown by his cross-examination or in any other way that he had any ulterior motive in favouring the respondent in any way by making a false assertion that the copies of Ex. D-A were not filed at the time of the presentation. However, the learned counsel for the petitioner attacked his evidence by urging that his memory could not be relied upon as he had not complied with some of the requirements of the rules bearing on the point of scrutiny of documents and petitions presented to the High Court. It was urged that Article 215 of the Constitution enacts that the High Court is a Court of Record and that being so, only the record could be relied upon but not any oral evidence in support of it. Shri Dharamadikar also drew my attention to Rule 20 of Chapter 4 of the Madhya Pradesh High Court Manual which lays down that if a petition or memorandum of appeal is not in proper form or is not accompanied by necessary documents and the petitioner or applicant fails to amend it or rectify the omission within the time fixed by the Registrar or the Deputy Registrar, it shall be laid as soon as possible before a Bench for orders. It is urged that as the case sought to be made out by Shri R. S. Pardesi is that the election petition did not accompany necessary documents it was his duty to note this fact and to bring it to the notice of the Registrar or the Deputy Registrar or the Court for proper orders. In my opinion, the petitioner does not get any benefit by these comments. In the first place, though the High Court is a Court of Record, when a question arises as to whether a particular record was tendered or not tendered, the oral evidence of the person who is in charge of receiving the said record and who swears to a particular fact about its receipt or non-receipt can be acted upon and merely because the High Court is a Court of Record it cannot be held that the oral testimony of such a person is to be ignored. Secondly, it has to be appreciated that Shri Pardesi stated that copies of documents are not normally required to be given for being served on the respondents. In this case, the pamphlet bearing the caption of "Vajraghat" was filed as a document and therefore he could act on his idea that it was not necessary for the petitioner to tender copies of it. The question of its copies being necessary arose on the averment contained in para 4(ii)(A) of the petition where it is said that "a copy of the pamphlet is filed herewith as Annexure A to this petition. It forms part of the petition." He has plainly stated that before writing his scrutiny report he had not read the election petition. Further, even

if it were assumed that it was necessary for Shri Pardesi to notice a particular defect at the time of the scrutiny and he failed to detect it, merely on that account it could not be urged that the petition was free from any defect.

20. It was further urged that in Chapter 11 of the High Court Manual, Rule 3 requires a book called the inspection-book to be kept by the Inspection Clerk and every person seeking inspection shall, prior to taking inspection, enter the necessary particulars therein. Rule 10 of Chapter 11 was referred to for showing that it was the duty of the inspection Clerk to see that no alterations are made in or papers abstracted from a record and that it is returned in the original condition when the inspection is over. It is urged that as these rules do not vest the authority in the inspection Clerk to allow any error to be rectified, the story of the rectification of the word 'annexure' into 'document' as stated by Shri Pardesi should not be believed. In my opinion, even if it were assumed that Shri Pardesi could not allow the changes to be made which he in his deposition has frankly stated to have been made in his presence, I do not see as to how this inference can be made that these changes were not made. The argument more or less amounts to this that if theft is prohibited and is made a punishable offence, it should be inferred that theft was not committed. Such a conclusion is patently erroneous. In spite of a provision a breach could be committed. I therefore come to the conclusion that in the circumstances of the case the statement of Shri Pardesi is worthy of reliance and cannot be ignored on the ground that some rules prescribed for inspection of records in the High Court Manual were not fully complied with.

21. For the reasons discussed above, I hold that copies of annexure or document marked D-A were not filed at the time of the presentation of the election petition for being served on the respondents.

22. I may now discuss the legal part of the issue, namely, whether due to non-compliance of section 81(3) of the R.P. Act, 1951, the petition is liable to be dismissed under section 86(1). The provision contained in section 81(3) with regard to the supply of copies of the petition to the respondent is, in my opinion, mandatory. Section 81(3) in unmistakable terms lays down the manner in which an election petition should be presented and it is also clearly laid down in section 86(1) as to what the consequence would be in case the provisions of section 81 are not complied with. The intention of the Legislature in enacting the said provision appears to render the Act invalid in case of the disobedience of the provision and therefore the said provision must be held to be mandatory (see Halsbury's Law England, Simonds Edition, Vol. 36 Article 656, Foot Note (b), and *K. Kamaraja Nadar v. Kunju Thevar and others*: AIR 1958 SC 687; *Sardar Mal v. Smt. Gayatri Devi*: AIR 1964 RAJ 223; and *Shri Baru Ram v. Smt. Prasanni and others*: AIR 1959 SC 93).

23. The copies of the petition filed by the petitioner for being served on the respondents did not contain annexure or document marked D-A which was expressly made in the petition itself a part of the petition. In *Murarka Radhey Shyam Ram Kumar v. Roop Singh* (AIR 1964 SC 1545) their Lordships of the Supreme Court took the view that the word "copy" as used in section 81(3) does not mean an absolutely exact copy, but means that the copy shall be so true that nobody can by any possibility misunderstand it. Their Lordships' dictum indicates that a substantially true copy would be a copy within the meaning of that section. It is true that in the ultimate analysis in every case the question involved is one of construction of a relevant provision of a particular statute which proceeds on the basis of the words used as understood in the context of the statute, but it appears to be plain that where the portion which is omitted in the copy exhibited was a material portion, there can be little doubt that such a copy which differs in material particulars from the original is not a copy within the meaning of section 81(3) of the Act. The petition itself declares that the copy of the annexure D-A is part of the petition. One of the recognized ways of incorporating documents or other matter which is not reproduced in the petition itself is to include it in the annexures and schedules and to state that such annexures and schedules may be treated as part of the petition. The word 'petition' as used in section 81(3), in my opinion, includes the annexures to the petition containing particulars of corrupt practice alleged therein. I am fortified in my view by the observations made by the Rajasthan High Court in *Sardar Mal's case* (supra) in paragraph 31 of the judgment. Section 83 which deals with the contents of the petition clearly provides for schedules or annexures to the petition in sub-section (2) thereof. The entity of an annexure may be different but nevertheless it is a part of the petition when it contains material particulars of the corrupt practice.

24. The defect produced by the non-supply of copies is a defect of presentation as held by their Lordships in *Ch. Subbarao v Member, Election Tribunal, Hyderabad* (A.I.R. 1964 SC 1027). In that case it was urged on behalf of the appellant that the jurisdiction of the tribunal under section 90 (3) to dismiss an election petition which does not comply with the provisions of section 81 was attracted only if there was a defect in the petition itself and that a defect merely in the copy accompanying the petition would not be a case of a petition not complying with the provisions of section 81 so as to require or even permit the tribunal to dismiss the petition. Their Lordships rejected this argument in paragraph 14 of their judgment and significantly observed:

"When S. 81 (3) requires an election petition to be accompanied by the requisite number of copies, it becomes a requirement for the presentation of the election petition to the Commission, and therefore a condition precedent for the proper presentation of an election petition. If that is a requirement of S. 81, no distinction can be drawn between the requirements of sub-sections (1) and (2) and of sub-section (3). We might add that if there is a total and complete non-compliance with the provisions of S. 81 (3), the election petition might not be 'an election petition presented in accordance with the provisions of this part' within S. 80 of the Act. We are therefore inclined to consider that if there had been such a non-compliance with the requirement of sub-section (3) not merely the Election Commission under section 85 but the Election Tribunal under S. 90 (3) would *prima facie* not merely be justified but would be required to dismiss the election petition."

In my opinion, these observations aptly apply with full force in the instant case where the provision made in section 81(3) with regard to the supply of copies or true copies as stated above has not been complied with.

25. It is not necessary to elaborate the arguments on the legal question as the matter was argued before me on the basis that if the annexure or document D-A was supplied with the petition for being served on the respondents, the petition must be held to be tenable and cannot be dismissed under section 86(1). On the other hand, if it were found that the said annexure or document which was admittedly made a part of the petition by the petitioner herself was not found to be so given, the petition has to be dismissed under section 86 (1).

26. For all these reasons, the election petition is dismissed with costs under section 86(1) of the R.P. Act, 1951, for non-compliance of the provisions contained in section 81(3) referred to above. Counsel's fee Rs. 500/-

Sd/- S. P. BHARGAVA,
Judge.
21-9-1967.

[No. 82/MP/10/67.]

New Delhi, the 31st October 1967

S.O. 3968.—In pursuance of section 106 of the Representation of the People Act, 1951, the Election Commission hereby publishes the Order, pronounced on the 3rd/4th August, 1967 by the High Court of Judicature at Bombay, Nagpur Bench, Nagpur, in Election Petition No. 15 of 1967.

IN THE HIGH COURT OF JUDICATURE, AT BOMBAY, NAGPUR BENCH,
NAGPUR

ELECTION PETITION NO. 15 OF 1967

Ramkrishna Suryabhan Gavai, and another—Petitioners

versus

Krishnarao Gulabrao Deshmukh, and another—Respondents

In the matter of Election Petition under section 81 of the Representation of the People Act, 1951.

No. 43 OF 1951

M/s. C. S. Dharmadhikari and C. G. Madholkar, Advocates—for the Petitioners.

M/s. M. N. Chandurkar and G. G. Loney, Advocates—for the Respondent No. 1. None for Respondent No. 2. Served.

(Coram:—L. M. PARANJPE J.)
3rd/4th August 1967.

ORAL JUDGMENT

The two petitioners have filed this Election Petition to challenge the election of the respondent No. 1, Krishnarao Gulabrao Deshmukh, to the House of the People from the Amravati Parliamentary Constituency No. 19 in the last General Elections held in February 1967.

There is a duly constituted Parliamentary Constituency located in the Amravati district of the State of Maharashtra for electing one representative to the House of the People. This Parliamentary Constituency consists of six Legislative Assembly Constituencies of the Amravati district, including those of Amravati and Chandur Railway. The Parliamentary as well as the Legislative Assembly Constituencies included therein, went to the polls on 15th February 1967 for the purposes of the General Elections ordered by the Election Commission of India. The Collector, Amravati, who was also the Returning Officer of the Amravati Parliamentary Constituency, published a notice of the programme of election. The last date of filing nomination papers was 20th January 1967 till 3 P.M., and the nomination papers were to be scrutinised on 21st January. The date of withdrawal was 23rd January and the date of polling was 15th February. Votes were to be counted on 22nd February and the result was to be declared on 23rd February 1967.

The petitioner No. 1, Ramkrishna Suryabhan Gavai, the respondent No. 1, Krishnarao Gulabrao Deshmukh, the respondent No. 2, Devidas Vishwanath Khedkar and five other persons had filed their nomination papers. The nomination paper, Ex. 20, of the respondent No. 2 was presented by him to the Returning Officer on 19th January 1967 but it did not bear his signature on that portion of the nomination paper which was to be filled in by the candidate. The respondent No. 2 also signed the oath of allegiance, Ex. 21, in the presence of the Returning Officer on 19th January 1967. On the date of scrutiny of nomination papers, all the candidates, except the respondent No. 2 or his agent, were present. None of the other candidates raised any objection to the nomination paper of the respondent No. 2, but the Returning Officer, on his own motion, rejected that nomination paper on the ground that there was no signature of the respondent No. 2 on that part of the nomination paper in which the assent of the candidate and the declaration of age and other particulars have to be mentioned. The Returning Officer also rejected the nomination paper of one Bhagwant Mahadeo Sangittrao on the ground that he had not deposited the sum of Rs. 500 as required by section 34 of the Representation of the People Act, 1951, as a condition precedent for his eligibility to contest the election. After the rejection of the nomination papers of the respondent No. 2, Devidas, and of Bhagwant Sangittrao, the remaining six candidates went to the polls. As a result of the counting of votes, the respondent No. 1, who had secured the largest number of votes was declared elected. These facts were specifically accepted before me by the parties and represented the common ground between them.

The case of the petitioners was as follows: The respondent No. 2 believed that he had to sign the nomination paper before the Returning Officer. He personally attended the office of the Returning Officer at about 2.50 P.M. on 19th January, 1967, along with the proposer, and personally handed over his nomination to the Returning Officer. He was personally known to the Returning Officer and the Returning Officer was satisfied, at the time of presenting the nomination paper, as to the identity of the respondent No. 2 and also about his assent to his nomination. As soon as the form was received and the Returning Officer was satisfied about the nomination, he proceeded to administer to the respondent, Devidas, the oath of allegiance prescribed by article 84 of the Constitution. Respondent Devidas took the oath and signed the affirmation which contained the statement that he had been nominated as a candidate for a seat in the House of the People. Section 33 of the Representation of the People Act, 1951, enjoins various duties upon Returning Officers when nomination papers are presented to them. Sub-section (4) thereof casts a duty on the Returning Officer to verify the details of the nomination papers and to allow the candidate to remove the irregularities which may have occurred out of technical errors or because of not understanding the provisions of law properly. At the time of accepting the nomination paper and administering the oath of allegiance to the respondent No. 2, the Returning Officer must presumably have verified nomination paper and found it to be filled in satisfactorily. The omission of the signature of the respondent No. 2 in the nomination paper was a defect or irregularity which ought to have been cured by the Returning Officer and his failure to get the defect cured was clearly in breach of the provisions of section 34. This omission was a mere technical irregularity and the failure of the Returning Officer to perform his duty of getting the omission supplied has wrongly resulted in penalizing the respondent No. 2. In view of the fact that the respondent No. 2 had contemporaneously signed the oath of allegiance at the time of presenting the nomination paper, the

Returning Officer should have held that there was substantial compliance with the Act and the Rules. He committed a grave illegality and grave irregularity in rejecting the nomination paper under these circumstances. This wrong illegal rejection of the nomination paper has materially prejudiced the election and thereby made it possible for the respondent No. 1 to be elected, which would not have otherwise happened. The election of the respondent No. 1 was therefore liable to be declared void and set aside, and the entire election for that Constituency should therefore be declared void and illegal because of the improper rejection of the nomination paper of the respondent No. 2.

The respondent No. 2 did not put in appearance and did not file any written statement. After an *ex-parte* order was passed against him, he appeared through a counsel and applied for acting aside the *ex-parte* order but did not file a proper affidavit in support of the allegation that he was prevented from sufficient cause from appearing on the due date. The *ex-parte* order could not therefore be set aside. The respondent No. 2 did not take any part in the proceedings thereafter and did not put in appearance.

The respondent No. 1, Krishnarao Gulabrao Deshmukh, denied the allegation of the petitioners that the respondent No. 2 did not sign the nomination paper, because of his belief that it had to be signed in the presence of the Returning Officer and also denied that the Returning Officer administered the oath of allegiance to the respondent No. 2, because he personally knew that respondent and was satisfied about his identity. It was not the duty of the Returning Officer to get the omission of the signature on the nomination paper supplied and his failure to get the nomination paper signed by the respondent No. 2 was not in breach of any duty. The oath of allegiance was not signed contemporaneously with the presentation of the nomination paper by the respondent No. 2, and there was no material for the Returning Officer to hold that despite the omission to sign the nomination form, the respondent No. 2 had given his assent to the nomination or that there was substantial compliance with the Act and the rules. The nomination paper was not valid. The omission of the signature of the respondent No. 2 on the nomination paper was not a mere irregularity and there was no question of condoning it or accepting the nomination paper. The respondent No. 2 was merely a dummy candidate with no intention of contesting the election for which Janardan Adasad was the really contesting candidate on behalf of his party. The rejection of the nomination paper had not prejudiced the result of the election and election of the respondent No. 1 was not liable to be declared void or set aside on account of the rejection of the nomination paper of the respondent No. 2.

Upon these pleadings, the following issues were framed and my findings thereon are given opposite each of them:

| Issues | Findings |
|---|--|
| 1. Did respondent No. 2 not sign the nomination paper before giving it to the Returning Officer because of his belief that it was to be signed in the presence of that Officer? | Not proved |
| 2. Did the Returning Officer accept the nomination paper of respondent No. 2 and administer the oath of allegiance to him and obtain his signature thereon because he personally knew that respondent and was satisfied about his identity? | Yes |
| 3. Was it the duty of the Returning Officer under section 33(4) of the Representation of the People Act, 1951, to get the omission of signature supplied and was his failure to get the paper signed by respondent No. 2 in breach of that duty? | No, that was not his duty and no breach of duty was committed |
| 4. In view of the contemporaneously signed declaration of allegiance by respondent No. 2 should the Returning Officer have held that despite the omission to sign thereon there was substantial compliance with the Act and the Rules and the nomination paper was valid? | No, it was not signed contemporaneously. There was no substantial compliance |

| Issues | Findings |
|--|---|
| 5. Was the want of signature of the candidate on the nomination paper a mere irregularity and should the Returning Officer have condoned it and accepted the nomination paper? | It was not a mere irregularity but a defect of a substantial character. |
| 6. Was respondent No. 2 merely a dummy candidate with no serious intention of contesting the election for which Janardan Adasad was the really contesting candidate on behalf of that party? | It appears that he had no intention to contest |
| 7. Has the rejection of the nomination paper materially prejudiced the result of the election as alleged by the petitioner? | No. |
| 8. Is the election of respondent No. 1 liable to be declared void and set aside on account of the rejection of the nomination paper of respondent No. 2? | No. |
| 9. Reliefs and costs. | Petition dismissed with costs. |

Reasons for the Findings

Issue No. 1.—These averments with regard to the reason for the failure of the respondent No. 2 to sign the nomination paper could have been within the knowledge of the respondent No. 2 only. However, the petitioners did not examine the respondent No. 2 or any other witness to prove this allegation that the respondent No. 2 did not sign the nomination paper before giving it to the Returning Officer because of his belief that it was to be signed in the presence of that officer. I find accordingly that this issue was not proved.

Issue No. 2.—The Returning Officer, Mr. Mohani, (P.W.1), deposed that the nomination paper, Ex. 20, was presented to him personally by the respondent No. 2 and he administered the oath of allegiance to him and obtained his signature thereon. Mr. Mohani admitted that he knew the respondent No. 2 personally for about two years but he was not asked and did not say that he accepted the nomination paper because he was satisfied about his identity. However, there was no dispute or question about the identity of the respondent No. 2 and the evidence of Mr. Mohani clearly showed that he accepted the nomination paper Ex. 20, from the respondent No. 2 because he knew him and was satisfied about his identity. I find accordingly.

Issue No. 3.—Mr. Dharmadhikari, Advocate for the petitioners, was relying on the provisions of sub-section (4) of section 33 in support of the petitioner's contention that it was the duty of the Returning Officer to get the omission of signature on the nomination paper supplied and the failure to get the nomination paper signed by the respondent No. 2 was therefore in breach of that duty. The relevant portions of section 33 of the Representation of the People Act, 1951, are as follows:

"33. *Presentation of nomination paper and requirements for a valid nomination.*—(1) On or before the date appointed under clause (a) of section 30 each candidate shall, either in person or by his proposer, between the hours of eleven o'clock in the forenoon and three o'clock in the afternoon deliver to the returning officer at the place specified in this behalf, in the notice issued under section 31 a nomination paper completed in the prescribed form and signed by the candidate and by an elector of the constituency as proposer:

Provided * * * * * *
 (2) * * * * * *
 (3) * * * * * *

(4) On the presentation of a nomination paper, the returning officer shall satisfy himself that the names and electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls:

Provided that no misnomer or inaccurate description or clerical, technical or printing error in regard to the name of the candidate or his proposer or any other person, or in regard to any place, mentioned in the

electoral roll or the nomination paper and no clerical, technical or printing error in regard to the electoral roll numbers of any such person in the electoral roll or the nomination paper, shall affect the full operation of the electoral roll or the nomination paper with respect to such person or place in any case where the description in regard to the name of the person or place is such as to be commonly understood; and the returning officer shall permit any such misnomer or inaccurate description or clerical, technical or printing error to be corrected and where necessary, direct that any such misnomer, inaccurate description, clerical, technical or printing error in the electoral roll or in the nomination paper shall be overlooked".

Sub-Section (4) and the proviso thereto obviously refer to what Mr. Mohani (P.W. 1) called a preliminary scrutiny at the time when a nomination paper is presented to the Returning Officer. A plain reading of sub-section (4) would show that at the time of this preliminary scrutiny the Returning Officer has to satisfy himself that the names and the electoral roll numbers of the candidate and his proposer as entered in the nomination paper are the same as those entered in the electoral rolls. That means that he has to satisfy himself about the identity of the candidate and the proposer as mentioned in the nomination paper by comparing them with the names and numbers as given in the authorised electoral roll. There is nothing in this sub-section which requires him to scrutinise the remaining contents of the nomination for satisfying himself that they have been properly or fully entered into. The scheme of the Representation of the People Act, 1961, would show that this task of scrutinising the correctness of the other recitals in the nomination paper for the purpose of deciding upon the validity thereof, has to be postponed till the time of the scrutiny of the nomination papers, under sub-section (2) of section 36. The proviso to the section which I have quoted above in extense also shows that clerical, technical or printing errors in regard to the name of the candidate or his proposer or in regard to any place mentioned in the electoral roll or the nomination paper or in regard to the roll numbers of these persons has only to be looked into and technical errors with regard to these matters, namely, the names, places and electoral roll numbers of the candidate and the proposer have to be ignored and an opportunity has to be given to the candidate and the proposer to correct any mistakes with regard to the names, places or roll numbers as mentioned in the nomination papers, so as to bring them in conformity with those as given in the electoral rolls.

Mr. Dharmadhikari was strenuously contending that despite the clear wordings of sub-section (4), it should be understood as authorising and requiring the Returning Officer even to scrutinise the remaining recitals in the document and to give an opportunity to the candidate and the proposer to make correction therein. However, he showed no authority for supporting this contention which is not only not warranted by the wordings of sub-section (4) and the proviso thereto but would stand ruled out by them. Accepting the contention of Mr. Dharmadhikari would require much more to be read in the sub-section than what was mentioned therein. The rules of interpretation of statutes would not permit me to add to the wordings of the sub-section and the proviso thereto by reading much more in the sub-section than what was contained therein. In fact, the authorities would appear to be to the contrary. A similar question had arisen before the Supreme Court in *British India General Insurance Company v. Itbar Singh* (A.I.R. 1959 S.C. 1331). That was a suit for damages filed against the owners of motor cars for recovery of damages suffered by the plaintiffs as a result of the negligent driving of the cars. The owners of the cars were insured against third party risks and the insurers were subsequently added as defendants to the suits under sub-section (2) of section 96 of the Motor Vehicles Act, 1939. That sub-section provided that an insurer added as a party to an action under it was entitled to defend on the grounds enumerated in it. The insurers however sought to take defences other than those mentioned in that sub-section. A question thereupon arose as to what defences were available to the insurers. While not disputing that under the section so it stood, these other defences could not be raised, the learned Solicitor-General, who appeared for the insurers, contended that sub-section (2) did not contain a prohibition to raise other defences. For supporting the contention that sub-section (2) should be interpreted in the way he desired the Solicitor-General suggested that the Court should add only one word to the section, so as to permit insurers to raise these additional and further defences. That contention was overruled by the Supreme Court by making the following observations:

"In order that sub-section (2) may be interpreted in the way the learned Solicitor-General suggests we have to add words to it. The learned Solicitor-General concedes this and says that the only word that has

to be added is the word "also" after the word 'grounds'. But even this the rules of interpretation do not permit us to do, unless the section as it stands is meaningless or of doubtful meaning, neither of which we think it is. The addition suggested will, in our view, make the language used unhappy and further effect a complete change in the meaning of the words used in the sub-section".

A similar question with regard to the construction of section 43 of the Transfer of Property Act had arisen in *Jumma Musjid v. Kodimaniaudra Daviah* (A.I.R. 1962 S.C. 847). A similar argument was advanced that certain more words should be imported into that section. That argument was overruled on making the following observations:

"In effect, this argument involves importing into the section a new exception to the following effect: 'Nothing in this section shall operate to confer on the transferee any title, if the transferor had at the date of the transfer an interest of the kind mentioned in section 6(a).' If we accede to this contention, we will not be construing section 43, but rewriting it. 'We are not entitled', observed Lord Loreburn L.C. in *Vickers Sons and Maxim Ltd. v. Evans* (1910) 79 L.J. KB 954 "to read words into an Act of Parliament unless clear reason for it is to be found within the four corners of the Act itself".

Even Mr. Dharmadhikari does not say that sub-section (4) of section 33, as it stands, is meaningless or of doubtful meaning or that any clear reasons could be found within the four corners of the Act itself to add words as suggested by him. Respectfully following the observations of their Lordships of the Supreme Court in the aforesaid two decisions, I would overrule the contention of Mr. Dharmadhikari that anything more should be read in the section than what was contained therein.

When the submission of Mr. Dharmadhikari for importing additional clauses in sub-section (4) is rejected, there is nothing in the section which would require the Returning Officer either to scrutinise the remaining portions in the nomination paper at that preliminary stage or to allow or to call upon the person concerned to supply the omissions or to correct the errors. The examination of the nomination papers with respect to the other recitals therein had to be postponed, as was done by the Returning Officer, till the stage of scrutinising under sub-section (2) of section 36 fixed for 21st January. The petitioners were therefore not right in saying that any duty was cast on the Returning Officer to get the omission of the signature on the nomination paper supplied at the time of its presentation, and therefore there was no question of his committing a breach of a duty which was never cast upon him. I accordingly find that it was not the duty of the Returning Officer to get the omission supplied and he had not committed any breach of the duties imposed upon him.

Issue No. 5.—In order to decide the question whether the want of signature of the candidate on the nomination paper was a mere irregularity or not, I think it useful to quote the relevant provisions governing this matter. I have already quoted section 33 which makes provision for presentation of nomination paper and the requirements of a valid nomination paper. That section refers to the prescribed form of nominations. According to section 2(g) of the Act "prescribed" means prescribed by rules made under that Act. The relevant rule is rule 4 of the Conduct of Elections Rules, 1961, at pp. 370 and 371 of the Manual of Election Law, 5th edition. That rule is in the following words:

"4. *Nomination paper.*—Every nomination paper presented under sub-section (1) of section 33 shall be completed in such one of the Forms 2A to 2E as may be appropriate:

Provided that a failure to complete, or defect in completing, the declaration as to symbols in a nomination paper in form 2A or form 2B shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36."

Admittedly, Form 2A printed on page 431 of the Manual of Election Law was applicable to the facts of this case. It is not necessary to quote the first

part thereof which is to be filled in and signed by the proposer. Its second part is in the following words:

"I, the above-mentioned candidate, assent to this nomination and hereby declare—

- (a) that I have completed years of age;
- *(b) that I am sponsored at this election by the party;
- (c) that the symbols I have chosen are, in order of preference (i)
(ii) and (iii)

*I further declare that I am a member of the **caste/tribe which is a scheduled caste/tribe of the State of..... in relation to..... (area) in that State.

Date

(Signature of candidate)

*Score out this paragraph, if not applicable.

**Score out the word not applicable.

(To be filled in by the Returning Officer)

Serial No. of nomination paper—

This nomination was delivered to me at my office at.....(hour) on.....(date) by the *candidate/proposer.

Date

Returning Officer.

*Score out the word not applicable."

A perusal of sub-section (1) of section 33, rule 4 and the portion of the Form 2A to be filled in by the candidate will show that the essential requirements of a valid nomination paper are—

- (i) The nomination paper has to be presented at the appointed time;
- (ii) It must be presented either by the candidate in person or by his proposer;
- (iii) It has to be delivered to the Returning Officer within the prescribed hours;
- (iv) It has to be completed in the prescribed form; and
- (v) It has to be signed by the candidate.

According to the proviso to rule 4 quoted above, only a failure to complete, or defect in completing, the declaration as to symbols shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36. It would be seen from the form that after the proposer had completed and signed the portion relating to him, the candidate has to sign his part of the form for the purposes of—

- (i) recording his assent to his nomination, and
- (ii) declaring (a) his age, (b) the party which has sponsored his candidature, and (c) his order of preference for the symbols to be allotted.

In case the election is for a reserved seat for scheduled castes or tribes, the declaration has further to state the scheduled caste or tribe for which he is seeking election. That clause however is not relevant for the purposes of the present case. On a proper construction of these provisions, it would be obvious that the form has to be completed by the candidate for recording and communicating his assent to the nomination and for giving his declaration with regard to the age, his party and the symbols to be allotted to him, and after that declaration is filled in, he has also to sign that form before presenting it to the Returning Officer. A perusal of these provisions would leave no manner of doubt that signing the form by the candidate is an essential and mandatory condition for submitting the form to the Returning Officer. There is nothing in these provisions which gives an option to the candidate whether to sign that form or not. It would be useful to note in this connection that section 33 uses the expression "the candidate shall" with regard to the requirements therein, and the only exception which seems to have been made in that the presentation of the nomination paper may be done either by the candidate or by his proposer, presumably at the option of the candidate. There seems to be no scope for any other option either with regard to the time at, the date on, or the time during which it was to be given or the authority to whom it was to be given, or the filling in the details in the form or signing the form.

While not disputing that the wordings of section 33 purport to indicate that the requirements therein are mandatory, Mr. Dharmadhikari was submitting that the requirement of signing the form by the candidate was mandatory only when the nomination paper was not presented by the candidate himself but was presented by the proposer on his behalf. If that was the intention of the Parliament, there was nothing to prevent them from saying so in so many words. With the language of the section as it stands, I do not think that it would be permissible to accept this interpretation without doing violence to the language thereof. The requirement of signing the form appears to be as much necessary when the nomination paper is presented in person by the candidate as when it is presented through the proposer. There was no warrant in this section for the assumption of Mr. Dharmadhikari that the requirement of signing the form was not necessary when the form was presented by the candidate himself.

While not disputing that the section itself gives no indication for putting that interpretation, Mr. Dharmadhikari was contending that the signature was meant only for satisfying Returning Officer that the candidate had assented to his nomination, and therefore such a signature was not necessary when the candidate himself presents his nomination paper and thereby indicates that he has assented to the nomination. The argument was that a candidate who had not accepted the nomination would not present the nomination paper mentioning him as the candidate. The assumption of Mr. Dharmadhikari that this signature on the nomination paper by way of expressing the assent of the candidate was only for the Returning Officer does not appear to be correct. If that were the position, and if only the Returning Officer was required to be satisfied about the acceptance of the nomination by the candidate because of the presentation of the form by the candidate himself, the other candidates would be precluded from raising an objection to the acceptance of the nomination paper when the scrutiny under sub-section (2) of section 36 is started. A perusal of that sub-section would however show that it was open to the other candidates or their agents to raise objection to the acceptance of the nomination paper and their objections were not restricted to any particular grounds. Therefore, it was implicit in sub-section (2) of section 36 that the other candidates had also a right to challenge the acceptance of the nomination paper on the ground that the assent of the candidate was not recorded on the nomination paper. If only the Returning Officer had to be satisfied on the point of assent, the Parliament would not have required the form of nomination bearing the signature of the candidate to state that he was assenting to his nomination. Obviously, therefore, the assent was not only for the Returning Officer but for other candidates, as also for the electors in the Constituency who could have a right to challenge the election on the basis that the Returning Officer had failed to reject the nomination paper though it did not bear the signature of the candidate in token of his assent.

On a perusal and construction of these relevant provisions, I am clear that the want of signature of the candidate on the nomination paper was not a mere irregularity but it was a defect arising out of non-compliance with the mandatory requirements of section 33. I find accordingly.

Issue No. 4.—It was next contended by Mr. Dharmadhikari that even if there was a defect in the nomination paper because of the absence of the signature of the candidate, this respondent No. 2 had contemporaneously signed the oath of allegiance as required by article 84 of the Constitution as now amended, and the presentation of the nomination paper by the respondent No. 2 in person, coupled with this contemporaneous signing of the oath of allegiance, established that there was substantial compliance with the requirement of the Act that the candidate should assent to his nomination and therefore the defect ought to have been condoned by the Returning Officer and the nomination paper should not have been rejected. It was further urged by Mr. Dharmadhikari that the form of the oath of allegiance, Ex. 21, clearly recited that the respondent No. 2 had been nominated as a candidate for the election and when the Returning Officer attested the signature of the respondent No. 2 on that oath, he was obviously satisfied that the respondent No. 2 had accepted his nomination and that satisfaction of the Returning Officer would also be binding on the other candidates, even if they were to challenge the acceptance of the nomination paper of the respondent No. 2 on this ground. Mr. Dharmadhikari drew my attention to the statement of Mr. Mohani that while receiving the nomination paper, he had noticed that the form was completed. He urged that that statement also established the satisfaction of the Returning Officer that the respondent No. 2 had assented to his nomination by presenting in person the nomination paper which was completed. Mr. Chandurkar, Advocate for the respondent No. 1, disputed the claim of the petitioners that the oath of allegiance was contemporaneously signed by the respondent No. 2 at the time of presenting the nomination paper.

According to him, the evidence of Mr. Mohani showed that the signature on that form was not contemporaneous but had been taken after a lapse of time. He also pointed out that Mr. Mohani was not asked and did not say that he had actually administered the oath as required by article 84 of the Constitution, and his evidence only showed that the candidate had signed that oath. According to him, making and subscribing an oath was necessary and merely signing the form did not comply with that requirement. Averting to the statement of the Returning Officer that the form had been completed, Mr. Chandurkar urged on the basis of section 33 that completing the form was a prelude to the signing thereof and was not equivalent to signing as required by that section. He also urged that making and subscribing the oath under article 84 only created a qualification in favour of the candidate and that had nothing to do with the legal requisites of the acceptance of the candidature.

As adumbrated, the respondent No. 2 Devidas was not examined and there is no material on record to show at what time and under what circumstances he signed the form of oath. The contention that the signing of the oath of allegiance was contemporaneous with the presentation of the nomination form is not borne out by the evidence of Mr. Mohani. He stated that after Ex. 20 and other nomination papers were received by him, he had a preliminary scrutiny of the nomination papers, presumably under sub-section (4) of section 33, and thereafter asked the candidates to subscribe to the oath of allegiance. That must necessarily mean that there was a time-lag between the presentation of the nomination paper and the signature on the oath of allegiance by the respondent No. 2. What that time-lag was has unfortunately not been made clear. The fact however remains that because of the time-lag, the presentation of the nomination paper cannot be said to be contemporaneous with the making and signing of the oath, Ex. 21, as was erroneously assumed on behalf of the practitioners. I accordingly find that the presentation of the nomination paper and the making and signing of the oath, Ex. 21, were not contemporaneous.

Coming to the question of making and signing the oath, the only evidence on the point was of Mr. Mohani (P.W. 1.). He deposed:

"...I made a preliminary scrutiny of the nomination papers in the presence of the candidates and asked them to subscribe to oath of allegiance. That was on the same day."

The form of oath, Ex. 21, was then shown to him and he added:

"This was signed by the said Devidas Khedkar in my presence and I have countersigned by way of attestation of his signature".

He was however not asked, and he did not say, that he administered the oath to Devidas or that Devidas read out and took the oath in his presence before signing it. When this and similar oaths are administered, the person administering the oath has to read it out clause by clause, and the person making the oath has to repeat each of these clauses and take the oath, and thereafter, he signs the form in the presence of the person administering the oath and that person attests the signature of the person taking the oath. That procedure was not proved to have been followed, and with the evidence as it stands, it is clear that Devidas did not read out or make the oath but only subscribed to the oath by signing it as he was asked to do by Mr. Mohani. A perusal of article 84 of the Constitution would show that the person concerned has to make and subscribe before some person authorised in that behalf by the Election Commission, an oath or affirmation according to the form set out in the Third Schedule. Merely signing the oath by way of subscribing to the form is not the same thing as making and subscribing the oath as required by this article. Consequently, it cannot be said that the respondent No. 2 had made or subscribed to the oath as required by that article, and there will be no question of inferring from the fact of merely signing the form of oath at a later hour that it amounted to an expression of his assent to his nomination.

According to Mr. Dharmadhikari, the question whether the respondent No. 2 had made the oath or not was academic in view of his signature on the form of oath, Ex. 21, which clearly recited that he had been duly nominated as a candidate. This argument equates the mere signing of the form of oath with making and subscribing to the oath, but that was obviously not warranted by the wording of article 84. The question was not at all academic but was substantial and material and the result of merely signing the form of oath was that Devidas cannot be said to have made the oath. True, the form of oath, Ex. 21, signed by the respondent No. 2 contains a recital that he had been duly nominated as a candidate. However, Mr. Mohani did not say that the said Devidas had read out or had read to himself the oath before signing it and Devidas himself

did not enter the witness-box to say that he had read the form of oath before signing it. Consequently, the bare recital in that form that he had been duly nominated as a candidate without proof that he had read, understood, and subscribed to that recital by signing it cannot amount to an admission that he had accepted his nomination, so as to dispense with the signature on the nomination form to indicate his assent to the nomination as required by that form.

It was submitted by Mr. Dharmadhikari that making and signing the oath or affirmation was subsequent to giving the nomination paper and therefore the fact of mere signing the form without making the oath must result in attributing assent of the nomination to the respondent No. 2. Mr. Chandurkar referred to the apparent conflict in the provisions of section 32 of the Representation of the People Act, 1951, and articles 84 and 173 of the Constitution and contended that making and signing the oath was only for establishing the qualification of the candidate to file a nomination paper and cannot therefore be treated as an expression of his assent to the nomination already made by the proposer. I do not think that any useful purpose will be served by going into this academic discussion in view of the fact that the petitioners have not brought before the Court the evidence of the respondent No. 2 who could have stated what his intention was in signing the form which recited that he was duly nominated and whether he had really accepted the nomination or not. As I have already pointed out, the circumstances appearing from the evidence as discussed above cannot lead to the conclusion that merely signing the form of the oath of allegiance was a substantial compliance with the requirement of the Act that the nomination paper should be signed by the candidate. I find accordingly.

Issue No. 6.—The respondent No. 1 did not adduce any evidence in support of his contention that the respondent No. 2 was only the dummy candidate and never intended to contest the election, and therefore he had not accepted the nomination. However, the Returning Officer, Mr. Mohani, stated in his evidence that the respondent No. 2 did not attend the scrutiny of nomination papers and an official letter was received by him from the Jan Sangh Party to intimate that Janardan Adasat was their official candidate and the symbol of lamp should be allotted to him. Mr. Mohani further stated by referring to the records of the Returning Officer which were produced in Court, that the respondent No. 2 had in actual fact contested the election for the Amravati Legislative Assembly Constituency which was held on the same day on which the election for the present Parliamentary Constituency was held. The respondent No. 2 did not attend the scrutiny of nomination papers and did not appear in this case to support the contentions of the petitioner. Considering all these circumstances, it clearly appears that whether the respondent No. 2 was a dummy candidate or not, he never intended to contest this Parliamentary Election because another candidate was nominated by his party for that election and that is why he did not accept the nomination and did not sign the nomination form in token of giving his assent to the nomination. I find accordingly.

Issue No. 8.—Mr. Dharmadhikari, Advocate for the petitioners, contended that the Returning Officer had mis-construed the provisions of sub-sections (2) and (4) of section 36 and had committed a legal error in treating the omission of the signature on the nomination form as a defect of a substantial character. His argument briefly was that the defect was not substantial and amounted only to a mere irregularity. The Returning Officer should have got the defect rectified either at the time of receiving the nomination paper or at the time of scrutiny. The identity of the candidate was not in question and therefore the nomination paper could not have been rejected because of the mere omission to sign it. The Returning Officer had committed an error in adopting a technical attitude in dealing with the question of the validity of the nomination paper. Mr. Chandurkar, Advocate for the respondent No. 1, contended, on the other hand, that there was no question of the Returning Officer getting this defect cured at any stage of the proceedings and the defect could not be treated as a mere irregularity or as being unsubstantial. He referred to the proviso to rule 4 of the Conduct of Election Rules, 1961, which prescribed that it was only the failure to complete, or defect in completing, the declaration as to symbols in the nomination paper, which was not to be deemed to be a defect of a substantial character, but that proviso could not be extended to the omission to sign the nomination paper. In his opinion the statutory requirements of the election law have to be strictly observed and the Returning Officer was justified in strictly applying clause (b) of sub-section (2) of section 36 and in refusing to apply sub-section (4) of that section.

The submission of Mr. Dharmadhikari that the Returning Officer should have examined the nomination paper at the time of the preliminary scrutiny under

sub-section (4) of section 33 and should have got the defect rectified in accordance with the proviso thereunder, must stand rejected for the reasons stated by me while considering issue No. 3. As I have pointed out there, that preliminary scrutiny under sub-section (4) of section 33 has to be restricted only to verifying the correctness of the names and electoral roll numbers of the candidate and his proposer by verifying them from the electoral rolls. There is nothing in section 36 which could have permitted or authorised the Returning Officer to get the defect removed or to allow an amendment by making additions or alterations in the nomination paper at the time of the initial scrutiny under sub-section (2) of section 33. It is only a clerical or printing error with regard to name, number in the electoral roll or place which can be allowed to be corrected under sub-section (4) of section 33, and obviously an error of the kind with which we are concerned in this case would not fall in that category and could not have been allowed to be corrected. Mr. Dharmadhikari also did not show any provision in section 36 which would have supported his contention that the Returning Officer should have got the error rectified by allowing the respondent No. 2 to sign the nomination form at least at the time of the scrutiny under sub-section (2) of section 36. I may further mention that no such question could possibly have arisen because the respondent No. 2 had neither appeared nor asked for permission to rectify the defect at the time of the scrutiny of the nomination paper. Therefore, the matter will have to be decided on the basis of the nomination paper as it stands and not on the basis of what it should have been after an amendment to be made to it.

Sub-section (2) of section 36 relates to scrutiny of nomination papers. It provides that on examining the nomination papers and deciding objections if any, or on his own motion, after such summary inquiry as may be necessary, the Returning Officer shall reject any nomination paper on the following three grounds:

- (a) That on the date of scrutiny, the candidate is either not qualified or is disqualified for being chosen to fill the seat under articles 84, 102, 173 and 191 of the Constitution; or
- (b) That there has been a failure to comply with any of the provisions of section 33 or 34, or
- (c) That the signature of the candidate or the proposer on the nomination paper is not genuine.

Sub-section (4) prohibits the Returning Officer from rejecting a nomination paper on the ground of any defect which is not of a substantial character. The proviso to rule 4 with regard to the nomination paper lays down that a failure to complete or defect in completing, the declaration as to symbols in a nomination paper in Form 2A would not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36. The matter in question would have to be decided in the light of these provisions.

I have already reproduced section 33 which mandatorily requires that the nomination paper should be completed in the prescribed form and should be signed by the candidate and by his proposer. I have already indicated that this requirement is mandatory and not only directory as submitted by Mr. Dharmadhikari. Therefore, the failure of the respondent No. 2 to sign the nomination paper would clearly fall within clause (b) of sub-section (2) of section 36 and consequently, the Returning Officer would have no option but to reject the nomination paper as per instruction No. 12(j) (viii) on page 26 of the Handbook for returning officers, 1967, issued by the Election Commission, unless he was to come to the conclusion that this defect was not of a substantial character. The correctness of this position was not disputed or questioned by Mr. Dharmadhikari.

Mr. Dharmadhikari was however submitting that such a defect ought not to have been treated as a defect of a substantial character. The principal ground in support of this contention was that the respondent No. 1 had indicated his assent to the nomination by presenting the nomination paper and by contemporaneously subscribing the oath. I have already dealt with that factual aspect of the matter and I have pointed out that subscribing the oath was not contemporaneous but was subsequent. I have also pointed out that the conduct of the respondent No. 2 is not even appearing on the date of scrutiny and in contesting the election to the Maharashtra Legislative Assembly from the Amravati Constituency, coupled with his failure to challenge the election of the respondent No. 1, would negative the claim of Mr. Dharmadhikari that the respondent No. 2 must be deemed to have assented to his nomination. This conduct would be contra-indicative of such an assent. It would be possible that he may have assented to his name being proposed,

but he deliberately omitted to sign the nomination paper because he did not mean to assent to the nomination, presumably on the ground that his Party had nominated some other person as their authorised candidate. It must be remembered in this context that the respondent No. 2 is an educated man, as admitted by Mr. Mohani in his evidence. Sub-Section (4) of section 33 requires the nomination to be in the form prescribed by the rules and the Form 2A as prescribed requires the candidate to sign it for indicating his assent to the nomination and for giving a declaration with regard to his age, the party sponsoring him and the symbol that he was adopting. Now, the declaration with regard to age was material for determining the candidate's eligibility to contest. The rules also require him to state which party he belongs to. Unless that form were to be signed as prescribed by sub-section (4), it could not be said that he had subscribed to the assent and the declaration about these material points. Merely presentation of the nomination paper without signature on the declaration would not amount to compliance with the requirements of sub-section (4). These material requirements of this section having been disregarded, I am not prepared to accede to the argument that the omission to sign the nomination paper was a mere irregularity or that it was not a defect of a substantial character.

This question of signing the nomination paper had arisen before the Supreme Court in *Rattan Anmol Singh v. Ch. Atma Ram* (A.I.R. 1954 S.C. 510). There the candidate was illiterate and could not sign and therefore had put his thumb mark but it was not authenticated as required by rule 2(2) of the Representation of the People (Conduct of Elections and Election Petitions) Rules, 1951. His nomination paper was rejected by the Returning Officer. While upholding the rejection of the nomination paper as correct, the Supreme Court made the following observations in paragraph 15:

"The next question is whether the attestation can be compelled by the persons concerned at the scrutiny stage. It must be accepted that no attempt was made at the presentation stage to satisfy the Returning Officer about the identity of these persons but evidence was led to show that this was attempted at the scrutiny stage. The Returning Officer denies this, but even if the identities could have been proved to his satisfaction at that stage it would have been too late because the attestation and the satisfaction must exist at the presentation stage and a total omission of such an essential feature cannot be subsequently validated any more than the omission of a candidate to sign at all could have been. Section 36 is mandatory and enjoins the Returning Officer to refuse any nomination when there has been 'any' failure to comply with 'any' of the provisions of section 33

He cannot at that stage remedy essential defects or permit them to be remedied. It is true he is not to reject any nomination paper on the ground of any technical defect which is not of a substantial character but he cannot remedy the defect. He must leave it as it is. If it is technical and unsubstantial it will not matter. If it is not, it cannot be set right."

(the underline is mine)

It will be clear from these observations, and particularly the portion underlined by me, that this defect of the omission to sign is not such as could have been cured and must lead to the rejection of the nomination. This decision will completely answer the contentions of the petitioner.

In *Brijendralal v. Jwalaprasad* (A.I.R. 1960 S.C. 10493) the candidate had omitted to specify his age in the declaration on the nomination paper. Following the earlier decision in *Rattan Anmol Singh v. Atma Ram* (A.I.R. 1954 S.C. 510) it was held that this was a defect of a substantial character and the nomination paper was rightly rejected.

Mr. Dharmadhikari was wanting to rely on some decisions of the Supreme Court in which the technical attitude with regard to deciding the question of validity of nomination papers was deplored. Those were cases of defects which were not material or substantial but were only formal or technical. The observations were justified by the facts of those cases. However, in *Bapu Ram v. Smt. Prasannam* (A.I.R. 1959 S.C. 93) the decision in *Pratap Singh v. Shri Krishna Gupta* (A.I.R. 1956 S.C. 140) was explained and it was observed:

"Where, however, the statute requires specific facts to be proved in a specific way and it also provides for the consequence of non-compliance with the said requirement it would be difficult to resist the application of the penalty clause on the ground that such an application is based

on a technical approach. Indeed it was precisely this approach which was adopted by this Court in the case of *Rattan Anmol Singh v. Atma Ram* (A.I.R. 1954 S.C. 510)".

In *Brijendralal v. Jwalaprasad* (A.I.R. 1960 S.C. 1049) a reference was made to the cases in which it was observed that Courts should not adopt a technical attitude in dealing with election matters and then it was pointed out that those remarks were necessitated by the facts of those cases. A distinction was made between the cases in which the defect was only formal or technical and cases where the defect was material and substantial. In submitting that the omission of a signature was not a material defect, Mr. Dharmadhikari was not giving due importance to clause (c) of sub-section (2) of section 36. According to that clause, a nomination paper was liable to be rejected if the signature of the candidate or the proposer on the nomination paper is not genuine. That postulated the necessity of the existence of the signature, and unless such a signature was there, the question whether it was forged or genuine would not arise. Mr. Dharmadhikari was also overlooking the proviso to rule 4 of the Conduct of Election Rules, which says that the failure to complete, or defect in completing, the declaration as to symbols in a nomination paper in Form 2A or Form 2B shall not be deemed to be a defect of a substantial character within the meaning of sub-section (4) of section 36. This proviso excepting this particular omission from the category of defects of substantial character, would lead to the conclusion that the failure to complete, or defect in completing, the rest of the nomination form by the candidate would necessarily have to be treated as a defect of a substantial character. Mr. Dharmadhikari has not been able to satisfy me that this omission to sign the nomination paper was only a formal defect and not a substantial one.

Relying on certain observations in *Namdeo Chimnaji v. Govinddas Ratnmal* (A.I.R. 1964 Bombay 137, para 30), Mr. Dharmadhikari was contending that only the defects in the nomination paper with regard to the identity of the candidate could be material and substantial and all other defects were formal and technical. That was a case in which the nomination papers of three respondents were rejected on the ground that their surnames as given in the nomination forms not conform to the surnames given in the electoral rolls. The election held after the rejection of these nomination papers was challenged in the election petition. The Election Tribunal upheld the order of the Returning Officer and the matter was brought before this Court by way of an appeal. The Division Bench of this Court pointed out that the surname was not an essential requirement of a nomination paper and the mistake, if any, was caused by the printer of the voters' list and the rejection of the nomination papers was bad. A reference was made to some decisions in which the defects in the nomination papers were held to be formal. After quoting the observations of Mahajan C. J. in the case of *Karnail Singh v. Election Tribunal, Hissar* (10 Ele. L.R. 189) the Division Bench proceeded to observe:

"These weighty observations emphasised the crucial point to be considered on the scrutiny of the nomination form, namely, that it is to be filled in, in order to identify the candidate and therefore, if the identity of the candidate is once established, any other defects not affecting the identity would be clerical or technical defects and not substantial. In this case, as we have already said, there is no doubt as to the identity of the respondent No. 8 or his proposer."

These observations were made by the Division Bench in the context of the facts of that case where the identity of the candidate was questioned on the ground of the difference in the surnames. The aforesaid observations cannot be taken as an exposition of the entire law on the question of scrutiny of nomination papers with regard to all the defects which are substantial and material and their rejection for grounds other than those with regard to identity. This argument of Mr. Dharmadhikari would stand repelled by the observations of Earl of Halsbury, L.C., in *Quinn v. Laathem* (1901 A.C. 495 at p. 506):

"Now, before discussing the case of *Allen v. Flood* (1898 A.C. 1) and what was decided therein, there are two observations of a general character which I wish to make, and one is to repeat what I have very often said before, that every judgment must be read as applicable to the particular facts proved, or assumed to be proved, since the generality of the expressions which may be found there are not intended to be expositions of the whole law, but governed and qualified by the particular facts of the case in which such expressions are to be found. The other is that a case is only an authority for what

it actually decides. I entirely deny that it can be quoted for a proposition that may seem to follow logically from it."

The observations of the Division Bench would not provide any guide for deciding the facts of the present case, which are entirely different.

It will be clear from the foregoing discussion that the nomination paper of the respondent No. 2 suffered from the substantial defect of want of signature of the candidate as mandatorily required by sub-section (1) of section 33, and therefore, sub-section (4) of section 36 could not come into operation and the Returning Officer rightly rejected the nomination paper under clause (c) of sub-section (2) of section 36. When the nomination paper was thus rightly and properly rejected, it cannot be said that it has been improperly rejected within the meaning of clause (c) of sub-section (1) of section 100, and consequently, it must be held that the election of the respondent No. 1 is not liable to be declared void or set aside on the ground of the rejection of nomination paper of the respondent No. 2. I find accordingly.

Issue No. 9.—In the result, this petition is dismissed with costs. The petitioners shall pay Rs. 2400 as pleader's fees to the respondent No. 1 at Rs. 400 per day for the six effective hearings.

By the Court

(Sd.) S. R. BHAVE

Addl. Special Officer.

31-8-67

[No. 82/15/Nagpur/67.]

ORDER

New Delhi, the 24th October 1967

S.O. 3969.—Whereas the Election Commission is satisfied that Shri Rajendra Lall Saha, Junglighat, Port Blair, a contesting candidate for election to the House of the People from Andaman and Nicobar Islands Parliamentary constituency, has failed to lodge an account of his election expenses as required by the Representation of the People Act, 1951, and the Rules made thereunder;

And whereas the said candidate, even after due notice, has not given any reason or explanation for the failure;

Now, therefore, in pursuance of section 10A of the said Act, the Election Commission hereby declares the said Shri Rajendra Lall Saha to be disqualified for being chosen as, and for being, a member of either House of Parliament or of the Legislative Assembly or Legislative Council of a State for a period of three years from the date of this order.

[No. A&NI/HP/67.]

By Order,

K. S. RAJAGOPALAN, Secy.

PRIME MINISTER'S SECRETARIAT

New Delhi, the 30th October 1967

S.O. 3970.—In exercise of the powers conferred by sub-rule (2) of rule 9 and clause (b) of sub-rule (2) of rule 12, read with rule 34, of the Central Civil Services (Classification, Control and Appeal) Rules, 1965, and of all other powers hereinunder enabling the President hereby makes the following further amendments to the Notification of the Government, of India in the Prime Minister's Secretariat No. S.R.O. 630 dated the 28th February, 1957 namely:—

In the Schedule to the said notification,—

(1) in Part I—General Central Service, Class III, for the entries in columns 2 and 3 against the entry "All posts" in column 1, the following entries shall respectively be substituted, namely:—

(2) in Part II—General Central Service, Class IV, for the entries in columns 2 and 3 against the entry "All Posts" in column 1, the following entries shall respectively be substituted namely:—

2

3

"Deputy Secretary or an officer of the rank of Deputy Secretary or an officer of the rank of Deputy Secretary."

[No. F.70/7/67—PMA.]

S. P. KHANNA,
Private Secretary to the Prime Minister

MINISTRY OF LAW

(Legislative Department)

CORIGENDUM

New Delhi, the 2nd November 1967

S.O. 3971.—In the note below the Ministry of Law (Legislative Department), Notification No. S.O. 1558 dated the 27th April, 1967, and above S.O. 1559, dated the 27th April, 1967, published in the Gazette of India, dated the 6th May, 1967, in Part II, Section 3(ii), at page 1611,—

for "Notification No. S.O. G.F. (Pl.)"

read "Notification No. S.O. 1558".

[No. F.4(11)/67-Elec.]

S.O. 3972.—Omitted.

N. D. SINHA, Under Secy.

MINISTRY OF HOME AFFAIRS

New Delhi, the 28th October 1967

S.O. 3973.—In exercise of the powers conferred by clause (2) of article 77 of the Constitution, the President hereby makes the following rules further to amend the Authentication (Orders and Other Instruments) Rules, 1958, namely:—

1. (1) These rules may be called the Authentication (Orders and other Instruments) SEVENTH Amendment Rules, 1967.
(2) They shall come into force on the date of their publication in the Official Gazette.
2. In rule 2 of Authentication (Orders and other Instruments) Rules, 1958, for clause (a1), the following clause shall be substituted, namely:—
"(a1) in the case of orders and other instruments relating to the Ministry of Commerce, by a Director, or a Deputy Director (Export Promotion), in that Ministry".

[No. 3/10/67-Pub.-I.]

FATEH SINGH, Jt. Secy.

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 27th October 1967

S.O. 3974.—In pursuance of Clause (a) of Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948, the Central Government hereby authorises Shri K.B. Chakraborty, Assistant in the Embassy of India, Mogadiscio to perform the duties of a Consular Agent with immediate effect until further orders.

[No. T. 4330/5/66.]
S. K. CHATTERJEE, Under Secy.

New Delhi, the 28th October 1967

S.O. 3975.—In pursuance to Sub-sections (1), (4) and (5) of Section 6 of the Haj Committee Act, 1959 (No. 51 of 1959), the election of Sh. Mustafa Gulamnabi Faki as Chairman and Shrimati Shirin S. Somjee and Sh. Mohiuddin Noor Mohamed Munshi as Vice-Chairman of the Haj Committee, Bombay at the Meeting held in Bombay in the Office of the Committee on the 10th October, 1967, is hereby notified:—

2. The Haj Committee, Bombay as constituted under Section 3 read with Section 4 and 5 of the Haj Committee Act, 1959, has been established from September 5, 1967. The following is the list of all the Members of the Committee:—

| | |
|---|-------------------------------------|
| 1. Shri Mustafa Gulamnabi Faki | Chairman (Co-opted member) |
| 2. Smt. Shirin S. Somjee | Vice-Chairman (Co-opted member) |
| 3. Shri Mohiuddin Noor Mohamed Munshi | Vice Chairman (Nominated member) |
| 4. Shri Ishaq Sambhali, M. P. | (Nominated member) |
| 5. Shri M. K. Kidwai | Do. |
| 6. Shri Imteyazuddin Ahmed, M. P. | Do. |
| 7. Shri Abdul Ghani Dar, M. P. | Do. |
| 8. Shri Hayatullah Ansari, M. P. | Do. |
| 9. Shri Adamadil Usman Shaikh, M. L. A. | Do. |
| 10. Shri Abdur Rahman A. Gasoor Antulay, M. L. A. | Do. |
| 11. Shri Suleman Khan Abdulla Khan Pathan, M. L. A. | Do. |
| 12. Shri Khatal Musa Phaniband | Do. |
| 13. Shahzada Shabbirbhai Saheb Nuruddin | (Co-opted member) |
| 14. The Collector of Customs, Bombay | (Ex-Officio member) |
| 15. The Chairman, Port Trust, Bombay | Do. |
| 16. The Principal Officer, Mercantile Marine Department, Bombay | Do. |
| 17. The Commissioner of Police, Greater Bombay | Do. |
| 18. The Municipal Commissioner, Greater Bombay | Do. |
| 19. The Port Health Officer, Bombay | Do. |

[No. M.II-1181(4)/67.
T. P. ABDULLAH,
Director (Per. & Haj Affairs)

विदेश मंत्रालय

दिल्ली 28, अक्टूबर 1967

एस.ओ. 3976.—हज समिति अधिनियम, 1959 (1959 का 51) की धारा 6, उपधारा 1, 4 और 5 के अनुसार हज समिति, बंबई, के प्रधान के पद पर श्री मुस्तफा गुलामनबी फकी के चुनाव

को और उप-प्रधान के पदों पर श्रीमती शीरीन एस० सोमजी और श्री मोहिउद्दीन नूर मोहम्मद मुंशी के चुनाव को इसके द्वारा अधिसूचित किया जाता है; इन पदों का चुनाव 10 अक्टूबर 1967 को हज समिति, बंबई, के कार्यालय में आयोजित सभा में हुआ।

2. हज समिति अधिनियम, 1959 की धारा 3 (धारा 4 और 5 के साथ पठित) के अंतर्गत संगठित हज समिति, बंबई, 5 सितम्बर 1967 से स्थापित की गई है। इस समिति के सदस्यों के नाम इस प्रकार हैं:—

| | |
|---|---------------------------|
| 1. श्री मुस्तफा गुलामनवी फ़की | प्रधान (सहयोजित सदस्य) |
| 2. श्रीमती शीरीन एस० सोमजी | उप प्रधान (सहयोजित सदस्य) |
| 3. श्री मोहिउद्दीन नूर मोहम्मद मुंशी | उप प्रधान (मनोनित सदस्य) |
| 4. श्री इशाक संभाली, संसद-सदस्य | (मनोनीत सदस्य) |
| 5. श्री एम० के० किदवर्दी | वही |
| 6. श्री इम्तियाजुद्दीन अहमद, संसद-सदस्य | वही |
| 7. श्री अब्दुलगनी दर, संसद-सदस्य | वही |
| 8. श्री हयातुल्ला अंसारी, संसद-सदस्य | वही |
| 9. श्री आदमाविल उस्मान शेख, विधान सभा सदस्य | वही |
| 10. श्री अब्दुर्रह्मान ए० गफूर एंटुले विधान सभा सदस्य | वही |
| 11. श्री सुलेमान खान अब्दुला खान पठान विधान सभा सदस्य | वही |
| 12. श्री खतल मूसा फ़निबन्द | वही |
| 13. शहजादा शबीर भाई साहेब नूरुद्दीन | (सहयोजित सदस्य) |
| 14. सीमाशु क समाहर्ता, बंबई | (पदेन) |
| 15. अध्यक्ष पोर्ट ट्रस्ट, बंबई | वही |
| 16. मुख्य अधिकारी मकौटायल मेरीन डिपार्टमेंट, बंबई | वही |
| 17. पुलिस कमिशनर, बूहत्तर बंबई | वही |
| 18. म्यूनिसिपल कमिशनर, बूहत्तर बंबई | वही |
| 19. पोर्ट स्वास्थ्य अधिकारी, बंबई | वही |

[सं० एम-II-1180 (4)/67]

टी०टी० पी० अब्दुल्ला,
निदेशक (कर्मचारी एवं हज कार्य)

MINISTRY OF FINANCE

(Department of Expenditure)

New Delhi, the 6th October 1967

S.O. 3977.—In exercise of the powers conferred by the proviso to article 309 of the Constitution, the President hereby makes the following amendment in the rules regulating the Workmen's Contributory Provident Fund as instituted

with the Government of India, late Finance Department Resolution No. F. 33(3)-R-II/44, dated the 16th April, 1945, namely :—

In paragraph 1 of the said Resolution, after entry (xii), the following entry shall be inserted and shall be deemed to have been inserted with effect from 1st January, 1967, namely :—

"(xiii) Workcharged establishment of the Farakka Barrage Project."

[No. F. 38(1)-EV/67.]

R. KALAYANASUNDARAM, Under Secy.

(Department of Expenditure)

New Delhi, the 30th October 1967

S.O. 3978.—In pursuance of clause (3) of article 77 of the Constitution of India and of all other powers enabling him in this behalf, the President hereby makes the following rules further to amend the Delegation of Financial Powers Rules, 1958, namely :—

1. These rules may be called the Delegation of Financial Powers (Second Amendment) Rules, 1967.

2. In the Delegation of Financial Powers Rules, 1958.

(a) in Schedule I,—

(i) under the heading "K. Ministry of Food and Agriculture (Department of Agriculture)", after item 23 and the entry relating thereto, the following entry shall be inserted and be deemed to have been inserted with effect from the 28th day of February, 1967, namely :—
"24. Director, Central State Farm (Hirakud) Jharsuguda",

(ii) under the heading "N. Ministry of Home Affairs", for item 15 and the entry relating thereto, the following item and entry shall be substituted and be deemed to have been substituted with effect from the 22nd day of October, 1965, namely :—
"15. Director-General, Border Security Force".

(iii) under the heading "O. Ministry of Information and Broadcasting", after item 7 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 28th day of March, 1967, namely :—
"8. Registrar of Newspapers for India".

(iv) under the heading "V. Department of Social Security", after item 2 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 22nd day of July, 1967, namely :—
"3. Director-General, Backward Classes Welfare".

(v) under the heading "Y. Ministry of Transport (Transport Wing)",

(1) for item 11 and the entry relating thereto, the following item and entry shall be substituted and be deemed to have been substituted with effect from the 11th day of August, 1967, namely :—
"11. Chief Engineer, Andaman, Laccadive Harbour Works",

(2) after item 11 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 1st day of June, 1967, namely :—
"12. Chief Engineer-cum-Administrator of the Directorate of Inland Water Transport".

(vi) under the heading "Z. Ministry of Works and Housing", after item 6 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 22nd day of June, 1967, namely :—
"7. Chief Planner, Town and Country Planning Organisation".

(vii) under the heading "AD. Union Territories".

(1) under the sub-heading "(C) Goa, Daman and Diu" after item 8 and the entry relating thereto, the following items and entries

shall be inserted and be deemed to have been inserted with effect from the 11th day of September, 1967, namely:—

“9. Chief Electrical Engineer, Goa.

10. Principal Engineer, Public Works Department, Goa, Daman and Diu”;

(2) under the sub-heading “(c) Chandigarh Administration”,

(a) for item 3 and entry relating thereto, the following item and entry shall be substituted and be deemed to have been substituted with effect from the 25th day of May, 1967, namely:—

“3. The Principal, Punjab Engineering College and *ex-officio* Director of Technical Education, Chandigarh”.

(b) after item 3 and the entry relating thereto, the following item and entry shall be inserted and be deemed to have been inserted with effect from the 25th day of May, 1967, namely:—

“4. Controller of Printing and Stationery, Chandigarh”.

(3) after the sub-heading “(e) Chandigarh Administration” and the items and entries thereunder the following sub-heading and the entries shall be inserted and be deemed to have been inserted with effect from the 8th day of June, 1967, namely:—

(f) *Delhi Administration*

(1) Inspector-General of Police, Delhi State”.

(b) in the Annexure to Schedule V in column 4 against item 8 for the words “electric fans and heaters”, the words “electric fans other than table fans” shall be substituted.

[No. F. 1(23)-E. II(A)/67.]

K. N. SINGH, Dy. Secy.

(Department of Economic Affairs)

(Office of the Controller of Capital Issues)

New Delhi, the 28th October 1967

S.O. 3979.—In exercise of the powers conferred by sub-section (i) of Section 6 of the Capital Issues (Control) Act, 1947 (29 of 1947), the Central Government hereby exempts the Industrial Credit and Investment Corporation of India from the provisions of sections 3 and 5 of the said Act in respect of Bonds of the value not exceeding the equivalent of \$ 25,00,000 (Twenty-five million dollars) to be executed and delivered by the said Corporation to the International Bank for Reconstruction and Development, in terms of the Loan Agreement, dated the 19th September, 1967, entered into between the said two parties.

[No. R. 333-CCI/67.]

M. K. VENKATACHALAM,
Controller of Capital Issues.

(Department of Revenue and Insurance)

STAMPS

New Delhi, the 4th November 1967

S.O. 3980.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2 of 1899), the Central Government hereby makes the following amendment to the Notification of the Government of India in the Ministry of Finance (Department of Revenue) No. 8, dated the 7th November, 1960, namely:—

After clause (2) of the said Notification, the following shall be added, namely:—

Explanation.—The term ‘person’ includes any company or association or body of individuals whether incorporated or not.

[No. 11/67-Stamps/File No. 1/3/67-Cus. VII.]

New Delhi, the 11th November 1967

S.O. 3981.—In exercise of the powers conferred by clause (a) of sub-section (1) of section 9 of the Indian Stamp Act, 1899 (2) of 1899, the Central Government hereby remits in full retrospectively the stamp duty chargeable in India under the said Act in respect of Promissory Notes of the value of £ 29,67,101 executed by the Hindustan Aeronautics Limited, Bangalore in favour of Hawker Siddeley Aviation Limited, U.K. for the payment due to Hawker Siddeley Aviation Limited for the supply of aircraft modifications and spares.

[No. 12/67-Stamps/F. No. 1/69/67-Cus. VII.]

M. S. SUBRAMANYAM, Under Secy.

OFFICE OF THE COLLECTOR OF CUSTOMS & CENTRAL EXCISE

CENTRAL EXCISE

Shillong, the 21st August, 1967

S.O. 3982.—In exercise of the powers conferred upon by rule 5 of the Central Excise Rules, 1944 I hereby empower the Central Excise Officers specified in column 4 of the subjoined table to exercise within their jurisdiction, the powers of the "Collector" under the Central Excise Rules enumerated in column 3 of the said Table.

TABLE

| Sl. No. | Nature of powers Conferred on Collectors | Rule No. | Collectors powers to be delegated to |
|---------|---|----------------|--|
| 1 | 2 | 3 | 4 |
| 1 | To accept first A.S.P. application for full period for which special procedure can be availed of. | 96ZA(1) | Superintendent |
| 2 | To accept first A.S.P. application for a period less than the prescribed period. | 96ZA(2) | Do. |
| 3 | To determine the period for which a manufacturer may be precluded from working under the special procedure for failure to give proper notice for not availing of such procedure during the period for which permission has been granted to him. | 96ZA(3) | Assistant Collector |
| 4 | (a) To accept renewal applications in form A.S.P. (b) To condone delay in submission of A.S.P. application for renewal. | 96ZA(4) Do. | Superintendent (i) Superintendent for condoning delays not exceeding 15 days. (ii) Assistant Collector for condoning delays exceeding 15 days. |
| 5 | To condone delays in submission of application for renewal in form A.R. to and to condone delays in making monthly deposits. | 96ZD(2) | (i) Superintendent for condoning delays not exceeding 5 days. (ii) Assistant Collector if the delay exceeds the limit under (i) above. |

1

2

3

4

6 To impose following penalties for
mis-declaration etc.

(i) to demand duty at full rate 95ZF(i)
(ii) to confiscate goods 95ZF(ii)
(iii) to impose penalty not exceeding 96ZF(iv)
Rs. 2000/-

} Adjudicating officers in accordance
with their limits of powers.

[No. 5/CE/67.]

A. K. BANDYOPADHYAY, Collector.

MINISTRY OF COMMERCE

TEA CONTROL

New Delhi, the 31st October 1967

S.O. 3983.—In exercise of the powers conferred by Section 4 of the Tea Act, 1953 (29 of 1953) read with rules 4 and 5 of the Tea Rules, 1954, the Central Government hereby appoints Shri C. L. Nayar as a member of the Tea Board until the 31st March, 1969, in the vacancy caused by the death of Shri K. Ghosh and makes the following further amendment in the notification of the Government of India in the Ministry of Commerce No. S.O. 1143, dated the 6th April, 1966, namely :—

In the said notification, for entry 24, the following entry shall be substituted, namely :—

“24. Shri C. L. Nayar, General
Manager, M/s. Tata Finlay
Ltd., Bangalore.

Representing dealers, including both
exporters and internal traders of tea,
and manufacturers of tea.”

[No. 7(2)-Plant(A)/65.]

CARDAMOM CONTROL

New Delhi, the 3rd November 1967

S.O. 3984.—In exercise of the powers conferred by sub-section (1) of section 7 of the Cardamom Act, 1965 (42 of 1965), the Central Government hereby appoints Shri K. V. George, as Director of Cardamom Development in the Cardamom Board at Ernakulam with effect from the 5th October, 1967 (forenoon).

[No. 29(24)Plant(B)/66.]

B. KRISHNAMURTHY, Under Secy.

(Office of the Chief Controller of Imports and Exports)

ORDERS

New Delhi, the 26th October 1967

S.O. 3985.—M/s. Hind Cycles Ltd. 250, Worli Bombay-18, were granted an import licence No. P/NA/AU/1267242/C/XX/25/C/II/21-22/NQQ dated 28th April, 1967 for Rs. 3,12,618/- (Rupees three lakhs twelve thousand six hundred and eighteen only) for the import of Zinc or Spelter Unwrought etc., as per list attached thereto. They have now applied for issue of a duplicate exchange control purposes copy of the said licence on the ground that the original exchange control purposes copy has been lost in the postal transit with the State Bank of India, Bombay. It is further stated that the original exchange control copy was registered with the State Bank of India and a L.C. No. BEX/67/1892 for £ 4203-0-0 equivalent to Rs. 83,868/- was established and not utilised by them.

(2) In support of this contention, the applicant has filed an affidavit alongwith a certificate from the State Bank of India. I am accordingly satisfied that the original Exchange Control Purposes Copy of the said licence has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(CC) of the Imports

(Control) Order, 1955 dated 7th December, 1955 (as amended), the original Exchange Control Purposes copy of the licence No. P/NA/AU/1267242/C/XX/26/C/H/21-22/NQQ dated 26th April, 1967 issued to M/s. Hind Cycles Ltd., 250 Worli, Bombay-18, is hereby cancelled.

(3) A duplicate exchange control copy of the said licence is being issued separately to the licensee.

[No. NDRS/H-296/65-66/3317.]

New Delhi, the 28th October 1967

S.O. 3986.—M/s. Aims Oxygen Private Limited, Padra Road, Baroda-5 were granted Customs Clearance Permit No P/CC/2360476/N/YY/23/C/H/23/CG.III dated 23rd September, 1966 for Rs. 18,263 (Rupees Eighteen thousand two hundred and sixty eight only). They have applied for the issue of a duplicate copy of the said C.C.P. on the ground that the original C.C.P. has been lost/misplaced without having been utilised at all.

2. In support of this contention, the applicant has filed an affidavit. I am accordingly satisfied that the original copy of the said C.C.P. has been lost. Therefore, in exercise of the powers conferred under sub-clause 9(cc) of the Imports (Control) Order 1955 dated 7th December 1955 as amended, the said original copy of C.C.P. No. P/CC/2360476 dated 23rd September 1966 issued to M/s. Aims Oxygen Private Limited, Baroda is hereby cancelled.

3. A duplicate Customs Purposes copy of the said licence is being issued separately to the licensee.

[No. 40(307)/65-66/CG.III.]

Y. J. DENNISON,

Dy. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports & Exports)

ORDER

New Delhi, the 27th October 1967

S.O. 3987.—M/s. Printers House Private Ltd., New Delhi, were granted Import Licence No. P/RM/2153225/R/IA/23/CH/23/RM-4 dated 19th August, 1966, for a value of Rs. 4,24,000/- for the import of components, Measuring Instruments, High speed Die Steel etc. from GCA. They have applied for issue of duplicate copy of the said licence on the ground that the original licence has been lost or misplaced. It is further stated that the original licence was not registered with any customs House and not utilised.

In support of this contention, the applicant has filed an affidavit. I am satisfied that original licence No P/RM/2153225/R/IA/23/CH/23/RM-4 dated 19th August, 1966 has been lost or misplaced and direct that a duplicate licence (both customs & Exchange Control copies) should be issued to the applicant. The original licence (both the Customs & Exchange Control copies) is cancelled.

[No. Mach-P(28-29)/AM-67/RM-4.]

P. C. VERMA,

Dy. Chief Controller of Imports & Exports.

(Office of the Chief Controller of Imports and Exports)

ORDER

New Delhi, the 27th October 1967

S.O. 3988.—In exercise of the powers conferred by clause 9 of the Imports Control Order 1965, dated the 7th December, 1965, as amended from time to time, the undersigned hereby cancels the Import Licence No. G990447/60/GC/CCI, dated 22nd May, 1961 (Customs copy fully unutilised and exchange copy utilized to the extent of Rs. 562 for the import of Holland make model 30/30/40 electrically heated pit type kiln (furnace) valued at Rs. 4042 issued in favour of M/s. Ashok Brothers, 37, Panchkuin Road, New Delhi.

The reason for cancellation is that a fresh licence in lieu of the above expired licence has been issued.

[No. 20-A/Cont./2-61/LVI/750.]

S. A. SESHAN,
Deputy Chief Controller of Imports and Exports.

MINISTRY OF STEEL, MINES AND METALS

(Department of Mines and Metals)

New Delhi, the 28th October 1967

S. O. 3989.—In exercise of the powers conferred by sub-section (1) of section 15 of the Coal Mines (Conservation and Safety) Act, 1952 (12 of 1952) read with rule 21 of the Coal Mines (Conservation and Safety) Rules, 1954, and in supersession of the modification of the Government of India in the late Ministry of Steel, Mines and Heavy Engineering, No. S. O. 37, dated the 27th December, 1963, the Central Government hereby reconstitutes the Advisory Committee on Stowing, which shall consist of the following persons, namely:—

| | |
|---|---|
| 1. Shri A. C. Bose, Chairman, Coal Board | Chairman (nominated by the Coal Board) |
| 2. Shri G. S. Jabb, Chief Inspector of Mines or his nominee | Member |
| 3. Dr. K. N. Sinha, Director, Central Mining Research Station, Dhanbad, or his nominee | Member |
| 4. Shri R. Lall, Vice Chairman of the Indian Mining Association | Member Representative of the Indian Mining Association. |
| 5. Shri S. White, Chief Mining Engineer, Lodna Colliery Co., (1920) Ltd., P. O. Jharia, Dist. Dhanbad. | Member. Do. |
| 6. Shri Inder Mohan Thapar, C/o M/s. Karamchand Thapar & Bros. Pvt. Ltd. | Member Representative of the Indian Mining Federation. |
| 7. Shri B. C. Shah, C/o Sendra Bansjora Colliery, Dhanbad | Member Representative of the Indian Colliery Owners Association. |
| 8. Shri C. Balram, C/o National Coal Development Corporation, Darbhanga House, Ranchi. | Member Representative of the National Coal Development Corporation Ltd. |
| 9. Shri B. G. Pradhan, Deputy General Manager, Singareni Collieries Co. Ltd., P. O. Kothagudium Collieries, Andhra Pradesh. | Member Representative of the Singareni Collieries Company Limited. |

Shri S. K. Chatterjee, Deputy Chief Mining Engineer (Inspection), Coal Board, will act as Secretary of the Committee.

[No. C 5-4 (2)/67.]

M. M. S. SRIVASTAVA, Under Secy.

(Department of Mines & Metals)

ERRATUM

New Delhi, the 30th October 1967

S.O.3990.—In the notification of the Government of India in the Ministry of Steel, Mines and Metals (Department of Mines and Metals) S.O. No. 3115, dated

the 25th August, 1967, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 9th September, 1967 at pages 3224 to 3227:—

1. At page—3225:

In line 8 and 19 for "India", read "Indra".

2. At page—3226:

(i) In line 21, for "S.O. 1963" read "S.O. 1973";

(ii) In line 33, for "Area Block-II" read "Ara Block-II";

(iii) In line 61, for "M/I", read "N/I".

3. At page—3227:

In line 2, for "Area Block-III", read "Ara Block III".

[No. C2-20(18) /64.]

RAM SAHAY, Dy. Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDERS

New Delhi, the 23rd October 1967

S. O. 3991.—In pursuance of the directions issued under the provision of each of the enactments specified in the First Schedule to the order of the Government of India in the Ministry of Information and Broadcasting No. S. S. 3792 dated the 2nd December 1966, the Central Government after considering the recommendations of the Film Advisory Board, Bombay hereby approves the Films specified in column 2 of the Schedule **annexed** hereto in all their language versions to be of the description specified against each in column 6 of the said Schedule.

SCHEDULE

| Sl. No. | Title of the film | Length | Name of the Applicant | Name of the Producer | Whether a Scientific film or a film intended for educational purposes or a film dealing with news and current events or a documentary film. |
|---------|---|---------|---|----------------------|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Nagarjunsagar | 335M | Films Division, Government of India, Bombay-26. | | Documentary film. |
| 2. | Dhyan Se Sochiye | 717M | Do. | | Film intended for educational purposes. |
| 3. | Uttar Pradesh Ke Niwasi-Garhwali-Part I | 280.42M | Educational Expansion Officer, Uttar Pradesh, Allahabad. | | Documentary film. |
| 4. | Post Early | 100M | Shri P. K. Rajhuns, 3, Vishwajeet, 35, Nehru Road, S/Cruz E., Bombay-55. | | Film intended for Educational purposes. |
| 5. | The Parts that Build The Auto | 378M | All India Automobile & ancillary Industries Association, 80-Dr. Annie Besant Road, Bombay-18. | | Do. |

S. O. 3992.—In pursuance of the Directions issued under the provisions of the enactments specified in the First Schedule annexed hereto the Central Government, after considering the recommendations of the Film Advisory Board, Bombay hereby approves the film specified in column 2 of the Second Schedule annexed hereto in all its language versions to be of the description specified against it in column 6 of the said Second Schedule.

THE FIRST SCHEDULE

- (1) Sub-Section (4) of the Section 12 and Section 16 of the Cinematograph Act, 1952 (Central Act XXXVII of 1952).
- (2) Sub-Section (3) of Section 5 and Section 9 of the Bombay Cinemas (Regulation) Act, 1953 (Bombay Act XI of 1953).
- (3) Sub-Section (4) of Section 5 and Section 9 of the Saurashtra Cinemas (Regulation) Act, 1953 (Saurashtra Act XVII of 1953).

THE SECOND SCHEDULE

| Sl. No. | Title of the film | Length | Name of the Applicant | Name of the Producer | Whether a scientific film or a film intended for educational purposes or a film dealing with news and current events or documentary film. |
|---------|--|--------|--|--|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| 1. | Maharashtra News No. 184 (Marathi and Hindi) | 300M | Director of Publicity, Government of Maharashtra, Bombay-34. | Film dealing with news and current events (For release in Maharashtra Circuit only). | |

[No. U. 24/1/67-PP App. 1208.]

BANU RAM AGGARWAL, Under Secy.

MINISTRY OF HEALTH AND FAMILY PLANNING

(Department of Health)

New Delhi, the 27th October 1967

S.O. 3993.—Whereas Dr. Ajit Kumar Mitra, L.D.S. (S.M.F., W.B.) 119/1, Lower Circular Road, First Floor, Calcutta-14, has been elected by the dentists registered in Part A of the West Bengal Register of Dentists, as a member of the Dental Council of India under clause (a) of section 3 of the Dentists Act, 1948 (16 of 1948) with effect from the 1st September, 1967.

Now, therefore, in pursuance of the provisions of section 3 of the said Act, the Central Government hereby makes the following further amendment in the Notification of the Government of India in the late Ministry of Health No. F. 3-2/62-MII, dated the 17th October, 1962, namely:—

In the said Notification, under the heading “Elected under clause (a) of section 3”, for the existing entry against serial No. 6, the following entry shall be substituted, namely:—

“Dr. Ajit Kumar Mitra, L.D.S., (S.M.F., W.B.), 119/1, Lower Circular Road, First Floor, Calcutta-14”.

[No. F. 3-3/67-MPT.]

CORRIGENDUM

New Delhi, the 27th October 1967

S.O. 3994.—In the Notification of the Government of India in the Ministry of Health and Family Planning (Department of Health) No. S.O. 1571, dated the 28th April, 1967, and published in the Gazette of India, Part II, section 3(ii) at page 1620 in line 19, for "H.E.S.", read "R.C.S."

[No. F. 3-3/67-MPT.]

L. K. MURTHY, Under Secy.

MINISTRY OF TRANSPORT AND SHIPPING

(Transport Wing)

(T' Section)

New Delhi, the 28th October 1967

S.O. 3995.—In exercise of the powers conferred by Sub-Section (1) of section 63A of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby appoints Shri B. D. Mathur, Chief Engineer, Public Works Department (Building and Roads), Rajasthan, as Member of the Inter-State Transport Commission and makes the following further amendment in the notification of the Government of India in the Ministry of Transport and Shipping (Transport Wing) No. 23-T(11)/67, dated the 4th October, 1967, namely:

In the said Notification, after item (3), the following item shall be added, namely:—

"(4) Shri B. D. Mathur,
Chief Engineer, Public Works Department,
(Buildings and Roads), Rajasthan—Member."

[No. 23-T(11)/67.]

B. M. MAZUMDAR, Under Secy.

(Transport Wing)

New Delhi, the 31st October 1967

S.O. 3996.—In exercise of the powers conferred by section 3 of the Jayanti Shipping Company (Taking over of Management) Act, 1966 (24 of 1966), the Central Government hereby appoints Shri P. C. Bhattacharyya, Government Director on the Board of Directors of Indian Shipping Companies, Bombay, to be a member of the Board of Control appointed under the said Act, from the 9th October, 1947 vice Shri Y. N. Sukthankar, resigned, and makes the following further amendment in the notification of the Government of India in the Ministry of Transport and Aviation Department of Transport, Shipping and Tourism (Transport Wing) No. S.O. 1781, dated the 10th June, 1966, namely:

In the said notification for the entry against Serial No. 4, the following entry shall be substituted, namely:—

"Shri P. C. Bhattacharyya, Government Director on the Board of Directors of the Indian Shipping Companies."

[No. 32-MD(22)/67.]

B. P. SRIVASTAVA, Dy. Secy.

(Directorate General of Shipping)

ORDER

Bombay, the 24th October 1967

S.O. 3997.—In pursuance of note (3) of the Schedule to the Notification of the Government of India in the Ministry of Transport and Shipping relating to scales of provisions for seamen No. S.O. 2169 dated 21st June, 1967, and in supersession of the Order of the Director General No. 8(10)-CRA/66 dated the 5th July, 1967,

I, Govind H. Seth, Director-General of Shipping, hereby order that for a period of six months with effect from the date of publication of this Order, the total daily scale of cereal rations of 570 grams shall stand amended to 350 grams rice and 170 grams wheat, if procurement is made in India.

2. As a compensation for the reduction of 50 grams in the rice rations, the scale of other items shall be increased per day as under for each unit of 25 grams:

- 10 grams of fresh fish, or
- 5 grams of meat, or
- 50 grams of dry vegetables, or
- 25 grams of fresh vegetables.

[No. 9(21)-CRA/67.]

GOVIND H. SETH,
Director General of Shipping.

CIVIL AVIATION DEPARTMENT

(Office of the Director General of Civil Aviation)

New Delhi, the 20th October 1967

S.O. 3993.—In exercise of the powers conferred by the proviso to rule 513 of the Aircraft Rules, 1937, the Director General of Civil Aviation hereby directs that the restriction contained in the said rule shall not apply to photography within the passenger lounges at the Government aerodromes mentioned in the Schedule hereto annexed.

SCHEDULE

| Serial No. | Name of aerodrome |
|------------|---------------------------|
| 1. | Bombay (Santa Cruz) |
| 2. | Calcutta (Dum Dum) |
| 3. | Agartala |
| 4. | Ahmedabad |
| 5. | Delhi (Safdarjung) |
| 6. | Delhi (Palam) |
| 7. | Madras (St. Thomas Mount) |
| 8. | Nagpur |
| 9. | Tiruchirappalli |
| 10. | Amritsar |
| 11. | Aurangabad |
| 12. | Balurghat |
| 13. | Baroda |
| 14. | Belgaum |
| 15. | Begumpet |
| 16. | Bhavnagar |
| 17. | Bhuntar (Kulu) |
| 18. | Bhopal |
| 19. | Bhubaneswar (Cuttack) |
| 20. | Bhuj |
| 21. | Bombay (Juhu) |
| 22. | Coimbatore |
| 23. | Cooch-Behar |
| 24. | Gaya |
| 25. | Gauhati |
| 26. | Indore |
| 27. | Jaipur |
| 28. | Junagadh (Keshod) |
| 29. | Kailashahar |
| 30. | Kamalpur |
| 31. | Kandla |
| 32. | Khaowai |
| 33. | Kumbhirgram |
| 34. | Lucknow (Amausi) |

| Serial No. | Name of aerodrome |
|---------------|----------------------------|
| 35. | Madurai |
| 36. | Mangalore (Bajpe) |
| 37. | Mohanbari |
| 38. | North Lakhimpur (Lilabari) |
| 39. | Pasighat |
| 40. | Patna |
| 41. | Phoolbagh |
| 42. | Porbandar |
| 43. | Port Blair |
| 44. | Rajkot |
| 45. | Ranchi |
| 46. | Rupsi |
| 47. | Trivandrum |
| 48. | Tulihar |
| 49. | Udaipur |
| 50. | Varanasi (Banaras) |
| 51. | Visakhapatnam |
| 52. | Akola |
| 53. | Behala |
| 54. | Bilaspur |
| 55. | Chakulia |
| 56. | Cuddappah |
| 57. | Donakonda |
| 58. | Jhansi |
| 59. | Jharsuguda |
| 60. | Jabalpur |
| 61. | Kanpur (civil) |
| 62. | Khandwa |
| 63. | Kolhapur |
| 64. | Kotah |
| 65. | Lalitpur |
| 66. | Malda |
| 67. | Muzaffarpur (Rewaghat) |
| 68. | Mysore |
| 69. | Palanpur (Dessa) |
| 70. | Panagarh |
| 71. | Panna |
| 72. | Raipur |
| 73. | Rajamundry |
| 74. | Ramnad |
| 75. | Satna |
| 76. | Shella |
| 77. | Sholapur |
| 78. | Tanjore |
| 79. | Vellore |
| 80. | Vijaywada |
| 81. | Warangal |

[No. F. 9/34.63-IR.]

B. M. GUPTA,
Director General of Civil Aviation.

DELHI DEVELOPMENT AUTHORITY

PUBLIC NOTICE

New Delhi, the 11th November 1967

S.O. 3999.—Notice under section 10(1) of the Delhi Development Act, 1957 (No. 61 of 1957), read with rules 5 and 15 of the Delhi Development (Master Plan and Zonal Development Plans) Rules, 1959.

1. Notice is hereby given that:—

(a) drafts of the zonal development plan for each of the following Zones, namely:—

- (i) E-15 (Loni Road);
- (ii) G-3 (Moti Nagar);

(iii) G-13 (Jail Road); and
 (iv) G-14 (Tilak Nagar);
 G-16 (Keshopur);
 have been prepared; and
 (b) a copy thereof will be available for inspection at the following offices between the hours of 11-00 a.m. and 3-00 p.m. on all working days except Saturdays, till the date mentioned in paragraph 3 herein-after:—
 (1) Office of the Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi.
 (2) Office of the New Delhi Municipal Committee, Town Hall, New Delhi.
 (3) Office of the Municipal Corporation of Delhi, Town Hall, Delhi-6; and
 (4) Office of the Executive Officer, Delhi Cantonment Board, Delhi Cantt.

2. Objections and suggestions are hereby invited with respect to these draft zonal development plans.

3. Objections or suggestions may be sent in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi by the 10th December, 1967.

Any person making an objection or suggestion should also give his name and address.

[No. F.4(37)/67-M.P.]

S.O. 4000.—The following modifications which the Central Government proposes to make to the Master Plan for Delhi are hereby published for public information. Any person having any objection or suggestion with respect to the proposed modifications may send the objection or suggestion in writing to the Secretary, Delhi Development Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi within a period of 30 days from the date of this notice. The person making objection or suggestion should also give his name and address.

Modifications

(1) The land use of a strip of land at Lahori Gate measuring 3140 sq. yds. to be changed from "railways" and "railway yard" to "municipal purposes."

(2) Land use of 33 acres of land under villages Pipalthala and Bharola to be changed from "Industrial" to "Residential".

(3) The land use of 18 acres of land adjacent to the land allotted to the Rajasthani Industrial Co-operative Society on G.T. Road to Karnal, to be changed from "warehousing" to "Industrial".

(4) Land use of 18 acres of land on the G.T. Road to Karnal, to its West (in between Outer Ring Road and Ring Road) to be changed from "Industrial" to "Warehousing."

2. The plans indicating the proposed modifications will be available for inspection at the office of the Authority, Delhi Vikas Bhawan, Indraprastha Estate, New Delhi on all working days except Saturday within the period referred to above.

[No. F.3(70)/67-M.P.]

B. C. SARKAR, Addl. Secy.

CENTRAL ELECTRICITY AUTHORITY

New Delhi, the 25th October 1967

S.O. 4001.—On his reversion to the CW and PC (Power Wing) Shri Gyan Prakash relinquished charge of the post of Secretary, North Eastern Regional Electricity Board on the afternoon of the 18th October, 1967.

2. In exercise of the power conferred by sub-section 6 of section 3 of the Electricity (Supply) Act, 1948 (LIV of 1948) the Central Electricity Authority hereby appoint Shri L. P. Jain, Assistant Director in the Central Water and Power Commission (Power Wing) as Secretary, North Eastern Regional Electricity Board, Shillong with effect from the afternoon of the 18th October, 1967 until further orders.

[No. 21/4/67-Adm.-I.]

M. M. DHAWAN, Under Secy.
for Chairman, CEA.

MINISTRY OF IRRIGATION AND POWER

New Delhi, the 31st October 1967

S.O. 4002.—In exercise of the powers conferred by Section 3 of the Electricity (Supply) Act, 1948 (5 of 1948) and in supersession of the notification of the Government of India in the Ministry of Irrigation and Power No. EL.II-28(13)/65, dated the 18th October, 1965, as amended from time to time, the Central Government hereby constitutes, until further orders, the Central Electricity Authority consisting of the following members, namely:—

1. Shri K. L. Vli, Vice Chairman, Central Water and Power Commission, New Delhi.
2. Shri P. N. Jain, Joint Secretary, Ministry of Finance (Dept. of Expenditure), New Delhi.
3. Shri V. S. Deshpande, Joint Secretary and Legal Adviser, Ministry of Law, New Delhi.
4. Shri A. F. Couto, Director, Ministry of Irrigation and Power, New Delhi.
5. Shri V. Venugopalan, Member (U), Central Water and Power Commission (Power Wing), and

appoints Shri K. L. Vli as Chairman of the said Authority.

[No. EL.II-28(15)/67.]

K. P. MATHRANI, Secy.

सिंचाई व बिजली मंत्रालय

नई दिल्ली, 31 अक्टूबर, 1967

एस० ओ० 4003—विजली (पृष्ठ) अधिनियम, 1948 (1948 का 5 वा) को धारा 3 द्वारा प्रदत्त शक्तियों को प्रदान करने में तथा समय अभ्यास पर संगोष्ठित भरत सरकार, सिंचाई व बिजली मंत्रालय ने अधिनियम संहृदूत ०-२-२८ (13)/65, दिनांक 18 अक्टूबर, 1965 का अधिनियम कार्यकारी हार्दिक रूप से लागू करने वाला, अन्य प्रादेश ज.रो होने वाला, केन्द्रीय बिजली प्राधिकार की स्थापना करती है जिसमें निम्नलिखित भद्रस्य होंगे, नामांकणः

1. श्री के० एन० विठ्ठल, उप ध्यक्ष, केन्द्रीय जल तथा बिद्युत् आयंग, नई दिल्ली।
2. श्री पी० एन० जैन, मंयुक्त मंचिव, विस्त मंत्रालय (व्यव विभाग) नई दिल्ली।
3. श्री वी० एग० देशपाण्डे, मंयुक्त मंचिव व वैधेक सचाहकार, दिव्य मंत्रालय, नई दिल्ली।
4. श्री ए० एक० कुटो, निदेशक, सिंचाई व बिजली मंत्रालय, नई दिल्ली।
5. श्री वी० विग्रोपालन, मंश्य (य), केन्द्रीय जल तथा बिद्युत् आयंग, नई दिल्ली, श्री वी० विग्रोपालन को उक्त प्राधिकार का अध्यक्ष नियुक्त करती है।

[स० ई० एन०-२-२८ (15)/67.]

के० पी० मधू नी लंचिव।

MINISTRY OF LABOUR, EMPLOYMENT & REHABILITATION

(Department of Labour & Employment)

New Delhi, the 30th October 1967

S.O. 4004.—In exercise of the powers conferred by sub-section (2) of section 33C of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following further amendments in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1188 dated the 15th April, 1963, namely:—

In the Table annexed to the said notification,—

(i) against serial No. 1A, in column 3 for the existing entries, the following entries shall be substituted, namely:—

“The State of Maharashtra excluding the districts of Akola, Buldana, Amravati, Yeotmal, Wardha, Chanda, Nagpur and Bandara and the Union Territory of Goa, Daman and Diu.”

(ii) below serial No. 1A, the following serial number and entries shall be inserted under columns 1, 2 and 3, respectively, namely:—

“1B. Labour Courts. Nagpur constitute the said Act by the notification of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 3453, dated the 22nd September, 1967.

The districts of Akola, Buldana, Amravati, Yeotmal, Wardha, Chanda, Nagpur and Bandara in the State of Maharashtra.”

[No. F. 1/88/67-LRI.]

S.O. 4005.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the Industrial Dispute between the employers in relation to Messrs. Orissa Minerals Development Company Limited, Post Office Barbil, District Keonjhar, and their workmen, which was received by the Central Government on the 27th October, 1967.

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR.

Camp at Jamshedpur.

Dated October 5, 1967.

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 70 of 1965 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC(R)(94)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to M/s. Orissa Minerals Development Company Limited, Post Office Barbil, District Keonjhar, Orissa

Versus

Their workmen through the President, Barbil Workers Union, Barbil.

APPEARANCES:

For Employers—S/Shri Basu Thakur, N.S. Claire and S. Dayal, Officers of the Company.

For Workmen—Shri P. K. Kunar, Assistant Secretary of the Union.

INDUSTRY: Mineral.

DISTRICT: Keonjhar (Orissa).

AWARD

By Notification No. 24/45/63-LRII, dated 16th June, 1964, the following matter of dispute as stated in the schedule to the order of reference was referred to Central Government Industrial Tribunal, Dhanbad, on an agreement of the parties made under Section 10(2) I.D. Act. The proceedings remained pending before

the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII, dated 25th April, 1967.

Matter of Dispute.

Whether the truck drivers of Messrs. Orissa Minerals Development Co. Ltd., are entitled to the grade of Rs 100—6—160—EB—8—200 which is applicable to the Dumper Drivers of the Management and if not, what relief, if any, they are entitled to?

The parties filed their pleadings before the Dhanbad Tribunal and after a few hearings before this Tribunal they have compromised the dispute, terms of which are reproduced in the annexure. The compromise petition has been duly verified before me.

As the terms of agreement would show the dispute relates to the grade of truck drivers, six in number, who claim the same grade as those of dumper drivers. The management has already promoted three such drivers and by the terms of settlement they have agreed to promote the remaining three with effect from 1st September, 1967. The dispute is thus satisfactorily resolved and an award is recorded in terms of compromise petition

(Sd.) G. C. AGARWALA,
Presiding Officer.
5-10-1967.

ANNEXURE

Memorandum of Settlement arrived at between Messrs. Orissa Minerals Development Co. Ltd., and the workmen represented by Barbil Workers Union, Barbil.

That the following Industrial Dispute is pending before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur.

“Whether the Truck drivers of Messrs. Orissa Minerals Development Co. Ltd., are entitled to the grade of Rs. 100—6—160—EB—8—200 which is applicable to the Dumper drivers of the Management and if not, what relief, if any, they are entitled to.”

That both, the representatives of M/s. Orissa Minerals Development Co. Ltd., and the representatives of Barbil Workers Union discussed the matter and finally it is agreed as follows:—

- (1) That the three drivers will be promoted to Dumper drivers on and from 1st of September, 1967.
- (2) That such promotion is without creating a precedent and will not be treated as condition of service for other drivers for promotion as Dumper Drivers.
- (3) It is accepted by the Union that the drivers are not entitled to get the Dumper Driver's grade.
- (4) It is also agreed that a joint petition should be filed before the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur with a prayer to pass an award in terms of this settlement.

(Sd.) P. K. KUNAR,
Assistant Secretary,
Barbil Workers Union.

(Sd.) K. C. DAS,
Vice-President
Barbil Workers Union.

(Sd.) B. RANA,
Treasurer,
Barbil Workers Union.

(Sd.) ILLEGIBLE,
Superintendent,
M/s. Orissa Minerals Development Co. Ltd.

(Sd.) S. DAYAL,
Senior Personnel Officer,
M/s. Orissa Minerals Development Co. Ltd.
Witnesses:—

Part of Award

1. (Sd.) ILLEGIBLE.
2. (Sd.) ILLEGIBLE.
(Sd.) G. C. AGARWALA,
Presiding Officer.

[No. 24/45/63-LRI.]

New Delhi, the 31st October 1967

S.O. 4006.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the Industrial Dispute between the employers in relation to the management of Barari Lime Stone Quarry of Messrs. Gupta Lime Works, Katni and their workmen, which was received by the Central Government on the 27th October, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

Dated October 19, 1967

PRESENT:

Shri G. C. Agarwala—Presiding Officer.

REFERENCE No. 16/63 (BOMBAY TRIBUNAL)

REFERENCE No. CGIT/LC(R)(111)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to the Gupta Lime Works, Katni, District Jabalpur.

Versus

Their workmen employed in the Barari Quarries through the General Secretary, Choona Mazdoor Congress Mehgaon, P.O. Kymore (Madhya Pradesh).

APPEARANCES:

For Employers—Sri P. V. Le'e, Advocate, Authorised Representative.

For Workmen—S/Sri R. K. Sharma, General Secretary, Sukhlal Verman Secretary, Choona Mazdoor Congress and Sri Gulab Gupta, Advocate.

INDUSTRY: Lime Quarries.

DISTRICT: Jabalpur (M.P.)

AWARD

The Ministry of Labour and Employment, Government of India, by Notification No. 22/14/63-LRII, dated 26th April, 1963, referred the following matter of dispute as stated in the Schedule to the Order of reference, for adjudication under Section 10 I.D. Act, to Central Government Industrial Tribunal, Bombay:—

Matter of Dispute

Whether the dismissal of 1. Dhangan Madari, 2. Sundi Meedhoo, 3. Dwiji Namaiya, 4. Sadhoo Kalco, 5. Dasodiya Baldeo, 6. Ramprasad Bhaian, 7. Shankar Baldeo, 8 Santi Ramadhin by the management of Barari Lime Stone Quarry of M/s. Gupta Lime Works, Katni with effect from 22nd March, 1963 is in order and is justified. If not, to what relief are these workmen entitled?

2. The proceedings remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 26/11/66-LRI, dated 4th April, 1967.

3. The Union filed the written statement of claim as early as 21st May, 1963 before the Bombay Tribunal. The employers also filed a written statement-cum-rejoinder before the said Tribunal on 4th April, 1964. Some preliminary hearing was also rendered by the said Tribunal. After the case was transferred to this Tribunal, the Union, Choona Mazdoor Congress, was given an opportunity to file a rejoinder which they did not file. After going through the pleadings of the parties, the following additional issues were framed on 7th July, 1967:—

Additional Issues

- (1) Has this Tribunal no jurisdiction, as the dismissed employees were not employed in any mine and the employers are not engaged in the mining industry?
- (2) Whether the concerned workmen were members of Choona Mazdoor Congress and whether this Union had a representative capacity?
- (3) (a) Whether any *bona fide* and domestic enquiry was held in respect of the charges framed against the workmen?
(b) Were they prevented from attending the enquiry?

- (c) Whether the enquiry conformed to rules of natural justice?
- (d) Whether the matter for which they were charge-sheeted could be a misconduct?
- (4) Were they victimised?
- (5) Were they guilty of misconduct for which they have been dismissed?

Evidence, however, was recorded on 21st September, 1967. The employers filed 45 papers which were exhibited as Ex. E/1 to E/45. The Union filed 8 documents, marked Ex. W/1 to W/8 which were either admitted or proved. The employers examined three witnesses, S/Shri Santosh Kumar Gupta, a partner in the employers firm, Gupta Lime Works (E.W. 1), L. P. Chaubey (E.W. 2) Manager at the Head Office at Katni and Choukuri Lal (E.W. 3) a Munshi. The Union examined two witnesses S/Shri Sukhalal Verman, Joint Secretary of the Union (W.W. 1) and one of the workmen concerned, Sri Shanker (W.W. 2). Arguments were heard in the case on 23rd September, 1967.

4. The facts leading to the dispute are that Gupta Lime Works have a stone quarry at Barari and a kiln for lime at a distance of about four furlong. They have railway siding also. The lease of the mine of stone quarry formerly was in the name of Sri Kalloomal Gupta who was the owner of the firm, Gupta Lime Works. After his death his widow Smt. Rukmani Bai, obtained a fresh lease in her name. The entire business, however, is a partnership one in which besides Smt. Rukmani Bai her sons are partners. Two of them including Sri Santosh Kumar, are majors other sons are minors. The transport of lime stone from the quarry to the kiln, it appears used to be done formerly by means of hand trolleys or by trucks but with the help of departmental labour. Sometime in 1962, Gupta Lime Works, to be hereinafter called the Company, decided to switch over to contract labour for the purpose of transport and gave the work to contractors. This caused dissatisfaction among the workers, a good many of whom were likely to be rendered jobless. Chonna Mazdoor Congress which is a Union both of quarries and kilns, operating in the area took up the dispute with the management. There was some settlement in July, 1962 but according to the Union, it was not implemented. The case of the management was that these eight concerned workmen and two others Prahalaad Bhagat and Prasad who are not covered by this reference but for whom there was a separate reference before the Bombay Tribunal, on 14th December, 1962 stopped a bullock cart which was carrying lime stone from the quarry to the kiln. The cart belonged to the contractor Sukhdeo and the cartman was Manwa. The report of the incident came to the Manager, Sri Ambrush, who in turn reported the matter to the Head Office at Katni. The management considered this conduct of the workmen as a misconduct and issued a show cause notice why they should not be charge-sheeted. These were received back and are Exts. E/1 to E/8. It may be mentioned that although in the notice the action was considered to be a misconduct under clause 15(h) of the Standing Orders yet it is an admitted case that there are no certified Standing Orders. When no reply was received, the management decided to hold an enquiry constituting an Enquiry Committee with S/Shri Santosh Kumar Gupta and the Manager, Sri L. P. Chaube as members. Notices were issued to the concerned workmen which were delivered and accepted by them, copies of which are Exts. E/1 to E/15. The date of enquiry was fixed as 25th December, 1962. According to the Union, the workmen were prepared to go to attend the enquiry but were prevented from doing so by the Munshi, Sri Choukauri Lal (E.W. 3) who directed them to load a wagon. An *ex parte* enquiry was therefore conducted on this date and for the evidence of the Manager, Sri Ambrush, the hearing was adjourned to 27th December, 1962. Sri Ambrush could not appear on that date but sent a written statement, rather report, which is Ex. F/18. After concluding the *ex parte* enquiry, the management decided to issue a show cause notice why these workmen should not be dismissed and on failure to receive a reply they were all dismissed and on failure to receive a reply they were all dismissed under the under the orders and signatures of Sri Santosh Kumar Gupta, dated 16th March, 1963 with effect from 22nd March, 1963. This flared up an industrial unrest and from 23rd March, 1963 the management had to declare a lock-out. The works remained closed till August, 1963 when on same conciliation brought about by the R.L.C. (C) the work was restarted. Meanwhile, the Government had made three references in April, 1963, one with regard to Prahalaad and Parsadi, another with regard to the eight workmen covered by this reference and a third one for the lock-out from 23rd March, 1963. During the pendency of these references, as a result of conciliation, both parties referred their outstanding dispute to the arbitration of Sri I. B. Sanval, Regional Labour Commissioner (Central), Jabalpur. It was an arbitration under the Code of Discipline. The agreement for arbitration was dated 23rd August, 1963 and the Arbitrator recorded an award on

13th December, 1963. A copy of the arbitration award is Ex. W/8. Out of seven points under dispute, some were decided in favour of the management and some in favour of the workmen. It may be sufficient to state that for the concerned workmen, the Arbitrator gave an award that they should be reinstated. For the lock-out with effect from 23rd March, 1962 which was a major point of dispute, the Arbitrator found that it was unjustified and awarded a sum of Rs. 4,200 as compensation to be paid to workers affected thereby. The hearing of the dispute regarding the lock-out came up before the Bombay Tribunal and accepting the award it directed payment of compensation of Rs. 2,360 to 20 workmen whose names had not been specified and were left to be determined by the Union. The Company felt dissatisfied with this award and filed a writ petition No. 213/64 in the High Court. The judgment of the Bombay High Court, Jabalpur, is dated 12th October, 1965 and a true copy of the same is Ex. W. 6. The Hon'ble High Court rejected the plea of the Company that the quarry is not owned by the Company and is solely owned by Smt. Rukmani Bai. It was further held that the workmen concerned were employees of the mine and the Central Government was the appropriate Government to rule the dispute and which was an industrial dispute. It, however, quashed the award regarding the payment of compensation as being vague.

5. With this back ground, the contentions of the parties on the points in difference shall be stated and discussed while dealing with each issue.

Findings

6. Issue No. 1.—The Company as in the case of Bombay Tribunal has raised the same plea that the lease was in the name of Smt. Rukmani Bai and not Gupta Lime Works and that these workmen were employees in the kiln and not the quarry. Consequently, it was alleged that the Tribunal has no jurisdiction. The plea was overruled by the Bombay Tribunal and also by the Hon'ble High Court. It is a final matter and operates as *res judicata*. Apart from this, with the admitted position that Gupta Lime Works, the Company, is a partnership firm belonging to Smt. Rukmani Bai and all her sons, the mere fact that the mining lease stand in the name of Smt. Rukmani Bai alone makes no difference. As for the plea that these workmen were not employees of the quarry but of the kiln, employers have made no attempt to substantiate the plea. The Munshi, Sri Choukauri Lal (E.W. 3) admitted that a register is maintained for works and which has entries about these workmen also. When the said register has not been produced and no documents have been filed by the employers, the irresistible inference is that if produced they would have been adverse to the management. One of the concerned workmen, Shankar, specifically stated that all the eight concerned workmen, four male and four female, were all engaged in the quarry for braking stone or for stacking the same. Chaukauri Lal (E.W. 3) stated specifically that these workmen were employed at the kiln. There is, therefore, no substance in this plea. The issue is answered in negative.

7. Issue No. 2.—It was alleged that Choona Mazdoor Congress was not representative of the workers of this Company, rather the quarry and these concerned workmen were not members of the Union at the relevant time. A similar plea was raised before the Bombay Tribunal in the earlier stated reference and was rejected by the said Tribunal and the Hon'ble High Court. It is not open to employers to raise it again. They had all along recognised the competency of the Union negotiated in conciliation and even entered into an agreement for arbitration. As for membership of these workers, it is established by the evidence of Joint Secretary of the Union, Sri Sukha Lal Verman (W.W. 1) that all these concerned workmen had been members of that Union. He produced the Membership Register (Ex. E/4) which will show that in the year 1962-63 102 workers, of this Company both of the quarry and the Kiln were members of the Union. All the 8 concerned workmen were also members and there are relevant entries in the Register. He also filed counter-foil Receipt Books (Ex. E/5) showing the payment of subscription. It is, therefore, held that the concerned workmen were members of the Union at the relevant time and the Union was representative capacity.

8. Issue No. 3(a) to (d).—The domestic enquiry conducted by Sri Santosh Kumar Gupta and Sri L. P. Choubey stands vitiated for more than one reasons. In the first place, after examining the witnesses on 25th December, 1962 S/Sri Santosh Kumar and L. P. Choubey, did not record any finding. This was the position admitted by them. They straight away decided to dismiss the workmen. The fact that a show cause notice was further issued is of little consequence. As held in Khardah & Co. Ltd. Vs. Its workmen, reported in 1962-II-LLJ p. 452 at page 456, a finding with reasons is a pre-requisite for a valid domestic enquiry and failure to do so on the part of the Enquiry Officer is a serious infirmity. This

alone is sufficient to vitiate the enquiry. Another apparent reason which vitiate the entire enquiry and consequent punishment is the fact that the Enquiry Committee recorded statements of some witnesses on the question of stopping the cart but curiously none of the witnesses gave the names of these concerned workmen. The substance of their evidence was that Prahalad and Parasadi incited and the workers obstructed the cart. This was the evidence of a general nature without fixing the identity of the workmen concerned. Even Chaukuri Lal (E.W. 3) did not state this before the Enquiry Committee. When there was no specific evidence fixing and implicating these 8 workmen out of whom four are female workers, conclusion reached by the Enquiry Committee is patently perverse. These are other minor defects in the enquiry which need not be considered as these two alone are sufficient to vitiate the entire proceedings and the conclusion reached as a result of the enquiry. When these findings covered by the sub-parts (a) to (c) of the issue, it is unnecessary to go into the plea of the workmen that they were prevented from attending the enquiry by Sri Chakauri Lal (E.W. 2). As far as the question whether the subject matter of the charge was or was not a misconduct for which sub-part (d) of the issue was framed, it has to be noticed that there are no certified Standing Orders. The concerned workmen denied that they stopped the cart at all and in view of the finding to be recorded under Issue No. 5 that the workmen had not stopped the cart it becomes unnecessary to go into the question whether this would have amounted to a misconduct, if the accusation had been proved.

9. Issue No. 5.—On behalf of the employers an attempt was made before this Tribunal to justify the punishment by leading evidence that these concerned workmen really stopped the cart. This attempt remained a feeble one and could not sustain the accusation. Out of the three witnesses examined, Sri Santosh Kumar and Sri L. P. Choubey (E.Ws. 1 and 2) had admittedly no personal knowledge. The only relevant evidence is of Choukuri Lal (E.W. 3). He is a most untruthful witness. According to him, one bullock cart loaded with stone belonging to Sukhdeo contractor and driven by Manwa Cartmen was stopped by these workmen near the Kiln No. 4 and he reported the matter to the Manager, Sri Ambrush. He was himself near Kiln No. 4. In the domestic enquiry he gave a different version stating that he was coming along with Sukhdeo contractor after getting the cart loaded and along with the cart. When confronted with this wholly contradictory statement (Ex. E. 17/A) he could offer no satisfactory explanation. For his omission to state the names in the Enquiry Committee he gave a lame excuse that as he was not required to give the names therefore he did not mention the same. In the statement before the Enquiry Committee he mentioned a number of names who were present as witnesses, but before this Tribunal he stated that only these eight concerned workmen out of whom four are women, he and Sukhdeo contractor were alone present. He has further stated that the occurrence took place in November for which he was positive and none in December. All this shows that he is an untruthful witness and no reliance can be placed on his solitary testimony. The report which he gave to Sri Ambrush and the one which Sri Ambrush sent to the management have not been filed. That would have been of some value as F.I.R. for fixing the identity of the person if the cart was at all stopped. Out of so many witnesses including some police constables who are stated to have been witnesses of the occurrence, as was given out in the Enquiry Committee not only by Choukuri Lal but other witnesses also, none was produced before the Tribunal. One workman concerned, Shankar has specifically denied the occurrence. There is, therefore, no evidence worth the name on which a finding can be recorded that actually there was any such incident as alleged by the management.

10. Issue No. 4.—With the foregoing findings that there was no alleged incident and in the context of the back ground of the dispute for non-employment of departmental labour in transporting lime stone and resorting to contract system, the inevitable inference is that these workmen have been dismissed with a view to victimise them. The Joint Secretary of the Union, Sri Sukhalai Verman (W.W. 1) categorically stated and against which there was no rebuttal that these workmen were active workers of the Union and when they were deprived of work by introduction of the contract labour they and others held demonstrations. Obviously, the action of the management in punishing them, either for no incident or assuming that an incident did take place it was so trivial which ought not to have been noticed, was motivated to victimise them. The issue is held accordingly.

11. It may be mentioned that the arbitration award by Sri Sanyal recorded the same conclusion. Even though the arbitration agreement was under the Code of Discipline it was freely entered into by the parties. The decision reached as a result of that award should be honoured and adopted in an industrial adjudication on the ground of public policy.

DECISION

It is held that the eight concerned workmen were wrongly dismissed with effect from 22nd December, 1963 and are entitled to be reinstated. It is, therefore, directed that they shall be reinstated with all attendant benefits and be paid back wages. The Union shall be entitled to receive Rs. 100 as costs from the management.

Sd/- G. C. AGARWALA.

Chair Officer

17-12-1967

New Delhi, the 2nd November 1967

S.O. 4007.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Hyderabad in the industrial dispute between the employers in relation to the Bank of Baroda Limited and their workmen which was received by the Central Government on 26th October, 1967.

BEFORE THE INDUSTRIAL TRIBUNAL, ANDHRA PRADESH, HYDERABAD.

PRESENT:

Sri Mohammed Najmuddin, M.A., B.L., Chairman, Industrial Tribunal (C). Andhra Pradesh, Hyderabad.

INDUSTRIAL DISPUTE NO. 38 OF 1966:

BETWEEN

Workmen of The Bank of Baroda, Ltd., Hyderabad.

AND

The Management, The Bank of Baroda, Ltd., Hyderabad.

APPEARANCES:

Messrs P. Vivekanandarao and Mr. R. S. Sankara Narayana, General Secretary and President respectively of the Employees Union,—for the workmen.

Messrs. K. Srinivasamurthy, S. H. Bedekar Welfare Officer and I. Subbarao, Agent of the Hyderabad Branch of the Bank of Baroda,—for Management.

AWARD

The Government of India in its Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) had, by order F. No. 51(60)/65-LRIV dated 17th June, 1966, referred this case to me for adjudication. The issue as per schedule annexed to the notification is this:—

Whether, having regard to paragraph 529 of Sastry's Award, the management of the Bank of Baroda Limited was justified in promoting Shri D. V. R. L. N. Murthy to the post of Staff Assistant, overlooking the seniority of Sarvashri K. Jagannamohanrao, Mr. P. Vivekanandarao, K. V. N. Narasimharao, N. Rathi, Chandravasan N. Shah, S. S. R. K. Clerks? If not, to what relief are these workmen or any of them are or is entitled?

2. The Bank of Baroda Employees Union, Hyderabad, Andhra Pradesh, is party to the reference. The statement of claims was filed by and under the signature of Mr. P. Vivekanandarao, General Secretary of the Union. It will be noticed that he is one of the claimants under the issue under reference. The statement of claims sets out that the Management should not have promoted D. V. R. L. N. Murthy to the post of Staff Assistant overlooking the claims of the claimants whose names are set out in the issue. The counter of the Management is that the promotion of D. V. R. L. N. Murthy was justified because it was made on merits.

3. The dispute came up for enquiry today. The parties filed a Memorandum of Settlement. It is signed by Mr. P. Vivekanandarao and Mr. R. S. Sankara Narayana, General Secretary and President respectively of the Employees Union. They are representatives of the Union. Two representatives for the Management signed it. They are Mr. S. H. Bedekar, Welfare Officer, and Mr. I. Subbarao, Agent of the Hyderabad Branch of the Bank of Baroda. The clause in the settlement is that K. Jagannamohanrao who is one of the claimants would be promoted

as Special Assistant with a probation period of six months with effect from 1st October, 1967. The last paragraph in the Memorandum of Settlement is that it is in full and final settlement of the dispute. I am satisfied that the settlement is fair between the parties.

4. Award is herewith passed in terms of the Memorandum of Settlement dated 19th October, 1967, copy whereof is appended hereto.

Given under my hand and the seal of the Tribunal, this the 19th day of October, 1967.

(Sd.) M. NAJMUDDIN.
Industrial Tribunal.

AGREEMENT ENTERED INTO BETWEEN THE BANK OF BARODA EMPLOYEES UNION ANDHRA PRADESH AND THE MANAGEMENT OF THE BANK OF BARODA

A dispute regarding the promotion of Sri D. V. R. L. N. Murthy was raised by the Union and the same was referred for adjudication to the Industrial Tribunal, Hyderabad, and numbered as I. D. No. 38/66.

The Union has agreed to withdraw the demand which had resulted in the above reference to this Hon'ble Tribunal.

The Management has agreed to promote Sri K. Jagan Mohan Rao as Special Assistant on a period of probation of six months with effect from first October, 1967.

This agreement is in full and final settlement of the dispute and it is agreed to request this Hon'ble Tribunal to pass an award in terms of this agreement.

For Employees:

For Management:

For Bank of Baroda Employees' Union, A.P.

1. Sd./- Illegible.

General Secretary.

2. Sd./- Illegible.

President.

1. Sd./- S. H. BIREKAR.

Welfare Officer.

19-10-1967.

2. Sd. I. SUBBARAO,

Agent Hyderabad Br.

Hyderabad, dated the 19th day of October, 1967.

(Sd.) M. NAJMUDDIN,
Industrial Tribunal.
[No. F. 51/60/65-LRIV.]

New Delhi, the 3rd November 1967

S.O. 4008.—In exercise of the powers conferred by section 7 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 1697, dated the 22nd May, 1965, namely:—

In the said notification, for the words "the Additional Labour Court, Dhanbad", the words and figures "the Labour Court (No. 2), Dhanbad" shall be substituted.

This notification shall be deemed to have come into force on the 22nd May, 1965.

[No. F. 1/93/67-LRI.]

S.O. 4009.—In exercise of the powers conferred by section 7A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of

Labour, Employment and Rehabilitation (Department of Labour and Employment) No. S.O. 1413, dated the 11th April, 1967, namely:—

In the said notification, for the words "an Additional Industrial Tribunal", the words and figures "an Industrial Tribunal (No. 2)" shall be substituted.

This notification shall be deemed to have come into force on the 31st March, 1967.

[No. F. 1/93/67-LRI.]

New Delhi. the 4th November 1967

S.O. 4010.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Jabalpur, in the industrial dispute between the employers in relation to the management of Gua Ore Mines of the Indian Iron & Steel Company Limited, Post Office Gua (District Singhbhum) and their workmen, which was received by the Central Government on the 2nd November, 1967.

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT. JABALPUR

Dated October 24, 1967.

PRESENT:

Sri G. C. Agarwala, Presiding Officer.

REFERENCE No. 8 of 1967 (DHANBAD TRIBUNAL)

REFERENCE No. CGIT/LC/(R) (91)/67 (JABALPUR TRIBUNAL)

PARTIES:

Employers in relation to the management of Gua Ore Mines of the Indian Iron and Steel Company Limited, P.O. Gua (District Singhbhum).

Vs.

Their Workmen through the General Secretary, United Mineral Workers' Union, P.O. Gua (Singhbhum).

APPEARANCES:

For employers—S/Sri M. N. Sapray, Advocate, S. N. Chopra, Authorised Representative.

For workmen—Sri N. Guha, Acting General Secretary of the Union.

INDUSTRY: Ore Mine.

DISTRICT: Singhbhum (Bihar).

AWARD

The Ministry of Labour & Employment by Notification No. 37/27/66-LRI dated 1st February 1967 referred the following matter of dispute as stated in the schedule to the order of reference to Central Government Industrial Tribunal, Dhanbad, under Section 10 I.D. Act for adjudication. The proceedings remained pending before the said Tribunal till transferred to this Tribunal by Notification No. 8/25/67-LRII dated April 25, 1967.

Matter of Dispute

I. Whether the action of the management of Gua Ore Mines of the Indian Iron & Steel Company Limited, Post Office Gua (District Singhbhum) in discharging Shri Surendra, Dumper, T. No. 07/6250 from service with effect from the 8th April, 1966, was justified?

II. If not, to what relief is he entitled?

2. The case was sponsored by the United Mineral Workers Union, P.O. Gua (District Singhbhum) which filed the statement of claim before this Tribunal on 5th June, 1967. The employers filed statement of claim-cum-rejoinder on 17th July, 1967. On the pleadings of the parties on the first hearing at Dhanbad the following issues were framed:—

Issues

1. Is the dispute an industrial dispute?
2. Whether the workman concerned had applied for leave before his services were terminated on 8th April, 1966?
3. Was the termination a bonafide discharge under Standing Orders?

Evidence in the case was partly recorded on 29th August, 1967 at Ghatsila and was concluded at Jamshedpur on 4th October, 1967 when the workmen examined one more witness and the employers produced five witnesses. For the Union three documents were filed which were admitted and were marked Ext. W/1 to W/3. The employers documents either proved or admitted were 15 and were marked Ext. E/1 to E/15.

3. The facts leading to the dispute are short and simple. The workman concerned, Surendra, was a permanent employee as a Dumper with about 10 years standing. He was arrested by the police in connection with a certain case on 27th March, 1967 from his hut in the labour colony known as B. Buru on the O.T. hill. He was released on bail in the afternoon of 7th April, 1966. Under the Standing Orders of the employers, to be hereinafter called the Company, (Ex. E/15) absence from duty without permission for more than seven consecutive days will make an employee liable to discharge unless he could explain his absence to the satisfaction of the management. Finding Surendra absent from 28th March, the Company sent a show cause notice both by his village address as also the local address drawing his attention to his absence and requiring him to report for duty on or before 7th April, 1966 failing which it was stated that he would be discharged from service with effect from 8th April, 1966. These notices Exts. E/2 to E/11 were received back unserved evidently because Surendra was in jail. After release from jail on the 7th April, 1966 afternoon he again had to go to Chaibasa on the 11th April in connection with his bail and on return reported for duty on 12th April, 1966 with an application in printed proforma, Ex. E/1. He prayed for 30 days leave with effect from 28th March, 1966 to 26th April, 1966 and was anti-dated as 4th April, 1966. On the back of the application there is an endorsement of his Advocate certifying that Surendra was in jail at Chaibasa and was released on bail on 7th April, 1966 at 6.30 p.m. He was told by the Time Keeper, Sri Sitaram Sinkoo (E.W.3) that his services had been terminated with effect from 8th April, 1966. He was required to go to the General Office. He moved another application on the next day, the 13th April, 1966, requesting the management to allow him to rejoin duty but to no avail. On the same day the Company by another communication dated 13th April, 1966 terminated his services exercising power under Clause 15 of the Standing Orders. The Union took up the dispute in conciliation which in due course has resulted in this reference.

4. The case of the workman was that simultaneously with his arrest on 27th March he gave an application to a co-worker, Ramai (W.W.1) who delivered the same to the Hazri Babu Sri Madhusudan Das (E.W.4) in presence of the Time Keeper on 29th March, 1966. Another application was sent from jail through his brother who passed it on to one Sri Shyam Lal Bukro (W.W.3) and this witness delivered it at the office of the Mining Engineer on 31st March, 1966. After release from jail it was also vaguely suggested that he appeared at the Time Office on 8th April and had at that very time presented the printed application (Ex. E/1) but as he was required to bring a letter from the Advocate he took it back and brought it on the 12th April. It was, therefore, contended that he had not been absenting without submitting application and the discharge by the Company was not bona fide and was a colourful exercise of the powers under the Standing Orders (Ex. E/15). He could not have been discharged without giving him opportunity to explain his absence and the reason being considered. The Company besides raising the preliminary objection that the dispute was not an industrial dispute contended that they had no knowledge of the arrest of Surendra and when show cause notice was not served on him the management was justified to terminate his services by way of discharge with effect from 8th April, 1966. With these facts and contentions, issues framed may now be examined.

Findings

5. Issue No. 1.—This issue does not call for determination as at the commencement of hearing on 4th October, 1967 at Jamshedpur, the employers representative gave up the plea and did not press the point. It must, therefore, be held that the dispute is an industrial dispute and the Union was competent to espouse and represent. The issue is answered accordingly.

6. Issue No. 2.—The case of the workman that before his release from the jail he had submitted applications earlier is on the face of it untrustworthy. This would be manifest by the contradictory stand which Surendra himself and the Union had been taking in their earlier communications and the position adopted in the statement of claim and the oral evidence adduced in the case. The first application (Ex. W/1) which Surendra submitted to management on 13th

April, 1966 simply states that he sent a petition from jail on 28th March, 1966. It is not stated through whom that petition was sent, nor is there any mention that while being taken to jail he gave an application to Ramai (W.W.1). The entire oral evidence of Ramai that when Surendra was arrested he gave thumb mark on an application which Ramai got scribed by Dulal Baboo and Ramai gave the same two or three days later to the Hazri Babu, Sri Madhusudan Das, is evidently an after thought and a fabricated evidence. Had this been a fact Surendra could not have omitted to mention it in his application dated 13th April, 1966. On behalf of the employers, Sri Madhusudan came in evidence as E.W. 4 and denied that any such application was given by Ramai. There could be no motive to have suppressed that application and had there been any the, management could not have sent the notice dated 1st April, 1966 both by his home and local address. It is manifest that the management had no knowledge of his arrest and had not received any application in the Time Office on 29th March as contended by Ramai.

7. The second application which he alleged to have been sent from jail through his brother was also not disclosed as such in the letter dated 13th April, 1966. All that he indicated is that he sent an application from jail. For the same reason, the evidence of Shyam Lal Bukru (W.W.2) and Moran Singh (W.W.5) to the effect that brother of Surendra gave an application to Shyam Lal Bukru who in turn sent it through a peon to be placed at the table of the Mining Engineer cannot be accepted as reliable. Had it been so, the fact would have been specifically mentioned in this application dated 13th April, 1966. It may as well be mentioned that in a subsequent communication by Surendra dated 2nd May, 1966 (Ex. W/2) these facts were not mentioned which could not have been omitted by him. It was only much later that a vague assertion was made in a communication by the Union dated 13th November, 1966 to the Labour Enforcement Officer that without disclosing the name of worker he gave an application to the Time Keeper within two days of his arrest. The oral evidence produced in this connection by the workmen must, therefore, be rejected as thoroughly unreliable. The employers have produced both the Time Keeper, Sri Sitaram Sankoo (E.W. 3) and the Hazri Babu, Sri Madhusudan (E.W. 4) who denied to have received any application through Ramai or any one else at any time.

8. Coming to his return after release from jail, it is further manifest that he did not report on 8th April, 1966. There is no mention about it in his communications dated 13th April, 1966 and 2nd May, 1966, nor was it so stated even in the statement of claim wherein in paragraphs 10 and 11 it is stated that although released from jail on 8th April he had again to go to Chaibasa on 11th April and reported for duty on 12th April. From all these facts, it is clear that the management had no knowledge about his arrest, that there was no earlier communication from Surendra and that for the first time he appeared on 12th April to report for duty with an anti-dated application dated 4th April, 1966 and bearing an endorsement of the Advocate dated 11th April, 1966. The issue is, therefore, held accordingly.

9. Issue No. 3.—The discharge of Surendra for his continued absence till 12th April, 1966 without permission may have been bona fide but at the same time was not in accordance with the provisions of the Standing Orders, Clause 15 under which the management discharged him runs as follows:—

"Workers absent without leave will be subject to disciplinary action. Over-staying of leave will be considered as absence without permission. Any worker who is absent for 7 consecutive days without permission will be discharged unless he can explain his absence to the satisfaction of the management."

From the above, the right to discharge accrues after consecutive absence for 7 days without permission and not earlier. The notice dated 1st April, 1966 (Ex. E/2) therefore is of no avail. By that time, he had not absented for more than 7 days and the management could not presume that he would continue to absent for more than 7 days and that too without satisfactorily explaining his absence. The actual discharge took place by means of an order dated 13th April, 1966 (Ex. E/3). It makes reference to an earlier notice dated 1st April, 1966 and his failure to appear before 7th April, 1966. The absence from 1st to 7th April without permission entitled the management to discharge him but it would not amount to an automatic discharge or termination of service by wordings of clause 15 of the Standing Orders. The words "will be discharged unless he can explain his absence to the satisfaction of the management" are material and significant. The meaning of these words would be that the management will have to record an order of discharge subsequent to absence for 7

consecutive days and that will have to be a positive act on their part if the absence before the discharge has not been satisfactorily explained. This positive act was rendered by the management on 13th April and before that Surendra had admittedly appeared on 12th April submitting his application (Ex. E/1) and again another application on 13th April. His explanation for absence was not at all considered by the management and they wrongly assumed that without any specific order absence till 7th April automatically amounted to a discharge. It may have been open to the management to reject the explanation rendered by him in his application dated 12th April and repeated in his application dated 13th April and then to discharge him but it was not open to the management to treat the absence as automatic termination with effect from 8th April without the specific order of discharge which was recorded on 13th April only. Since, however, Surendra had appeared earlier before the order of discharge was recorded and had submitted an application stating the reasons of his absence, the order of discharge dated 13th April without considering the explanation was not in accordance with the terms of the Standing Orders and therefore cannot be maintained. He is, therefore, entitled to reinstatement. At the same time, since the discharge was bona fide and under mistaken view of the relevant clause of the Standing Orders and further because Surendra was himself responsible for not intimating the reason of his absence earlier before 12th April 1966 and in fact introduced a fabricated evidence to prop up false case that he had sent two earlier applications, one on 29th April through Ramai and another on a future date through Shyam Lal Bukru, it would not be just and proper to award any back wages.

Decisions:

It is held that the discharge of Surendra with effect from 8th April, 1966 was not justified by the terms of the relevant clause of the Standing Orders and he is entitled to be reinstated. He shall be reinstated within one month after the publication of the award with benefits of continuity of service but shall not be entitled to back wages from 8th April, 1966 till the date of the enforcement of this award. No order for costs.

(Sd.) G. C. AGARWALA, Presiding Officer.

24th October, 1967.

[No. 37/27/66-LRI.]

S.O. 4011.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947) the Central Government hereby publishes the following award—Part II of Shri Salim M. Merchant, Arbitrator in the dispute between the management of the Hindustan Zinc Limited, Udaipur and their workmen represented by the Zawar Mines Mazdoor Sangh, Udaipur which was received by the Central Government on the 31st October, 1967.

BEFORE SHRI SALIM M. MERCHANT, ARBITRATOR

Arbitration in the Industrial Dispute
BETWEEN

The Hindusthan Zinc Ltd., Udaipur

AND

Their Workmen represented by the Zawar Mines Mazdoor Sangh.

PRESENT:

Shri Salim M. Merchant, Arbitrator.

APPEARANCES:

For the Hindustan Zinc Ltd.—Shri Babubhai Patel, Advocate, Supreme Court with Shri A. S. Bhandari, Financial Adviser and Shri U. S. Bhatnagar, Chief Personnel Officer.

For the Workmen.—Shri D. L. Sen Gupta (Advocate, Supreme Court), Shri B. Chowdhary, General Secretary, Shri B. B. L. Tripathi, President and Shri R. Shivappa, Secretary Zawar Mines Mazdoor Sangh.

INDUSTRY: Zinc Mines.

STATE: Rajasthan.

Dated at Bombay this the 27th day of October, 1967

AWARD PART II

By an agreement under Section 10A of the Industrial Disputes Act, 1947, (Act XIV of 1947), hereinafter referred to as the Act, made between the workmen represented by the Zawar Mines Mazdoor Sangh, Udaipur and the Hindustan

Zinc Ltd., Udaipur, the parties abovenamed referred to my Sole arbitration the industrial dispute in respect of the eight subject matters specified in that agreement.

By my Award Part I dated 5th September, 1967, I granted an Interim Relief of Rs. 4/- per month to all the workmen concerned in this industrial dispute, excluding about 170 to 180 daily rated construction workmen employed at the Zawar Mines. I further directed that this interim relief should be paid each month with effect from 1st July 1967, the arrears to be paid within 15 days of the publication of my said Award Part I in the official Gazette, subject to the payment being adjusted upwards or downwards as the case may be in the final award.

Thereafter this dispute was further heard by me at Udaipur between the 21st and the 27th September 1967, when I heard the submissions of both the parties on demands Nos. 2, 3, 5, 6 and 7 and by this Award Part II, I am dealing with these 5 demands.

Demand No. 2:

"Whether the demand of the Zawar Mines Mazdoor Sangh for converting all the permanent daily rated monthly paid workers into monthly rated monthly paid workers and for an increase in their existing quantum of leave is justified? If not, to what relief the workers are entitled and to what extent."

Before dealing with the merits of the demand, it is necessary to point out that this demand falls into two parts (1) demand for converting the permanent daily rated monthly paid workmen (DRMP) into monthly rated monthly paid (MRMP) and (2) for an increase in the existing quantum of leave granted to the D.R.M.P. Admittedly, there is no demand for increase in the existing quantum of leave of all kinds granted by the company to the M.R.M.P. at Zawar Mines.

The Union in para 35 of its written statement dated 18th June, 1967, in support of this demand has alleged that the Company was following a policy of discrimination in dividing its workmen at both the Zawar Mines and the Smelter Plant into D.R.M.P. and M.R.M.P. It has submitted that the grievance of the workmen stems from the arbitrary nature of the division which has no rational basis, but is evolved to deny and deprive the D.R.M.P.— who form the large majority of the workers in the Zawar Mines—the higher leave facilities which are granted to the M.R.M.P., as also to deprive them of the notice period for termination of service. The Union has urged that even the M.R.M.P. have a daily rate which is arrived at by dividing their monthly salary by 26 days—for the purposes of determination of payments by way of bonus, overtime, leave and the like. For the conversion of the daily rated into the monthly rated the 26 days multiplier is provided. The Union has in its written statement of claim given the following comparative statement of the various kinds of leaves and notice period for the D.R.M.P. and the M.R.M.P.

| | Daily rated monthly paid (D.R.M.P.) | Monthly rated monthly paid (MRMP) |
|----------------------------------|---------------------------------------|-----------------------------------|
| Privilege | 14 days or more as per the Mines Act. | 30 days. |
| Sick leave. | 7 days. | 14 days. |
| Casual leave | Nil. | 14 days. |
| Notice period or wage in lieu of | 14 days. | 30 days. |

The Union, has, in sub-para (d) of Para 35 of its written statement of claim, claimed that all the daily rated monthly paid workmen should be made monthly rated and their leave rules should be modified as follows:—

| | |
|-----------------|--|
| Privilege leave | 30 days with pay. |
| Sick leave | 30 days with pay because of the un-hygenic condition of work involved namely silicosis-hazard. |
| Casual leave | 14 days with pay. |

The Hindustan Zinc Ltd., Udaipur (hereinafter for brevity's sake referred to as the Company) in its written statement in reply dated 28th June, 1967 in para 9 at pages 13—15 has denied that it has followed a policy of discrimination. It has submitted that even though the Union had entered into several agreements with the Company (including its predecessor, the Metal Corporation of India Ltd.) it had never objected to the system of daily rated workmen who are monthly paid. The Company has urged that the system of employing workmen on daily rate is recognised in many industries and the same is working very satisfactorily. The Company has sought to rely upon its certified Standing Order at Zawar Mines which make provisions for leave facilities and it has stated that the Union was a party to the certification of the said Standing Orders. It has urged that the workmen are governed either by the Mines Act 1952 or the Factories Act, 1948, and leave facilities are provided according to those Acts. It has stated that in addition to earned leave with wages 7 days sick leave is also provided. It has stated that it grants 8 Festival Holidays and has provided for 30 days of quarantine leave. It has stated that its Supervisory Staff is provided with 30 days privilege leave, 14 days sick leave and 14 days casual leave in a year. It has stated that the leave facilities are provided in terms of agreements with the Union, and Tribunals Awards, which are consistent with statutory provisions. It has submitted that the demand of the Union is untenable. It has urged that one who seeks to do Social Justice cannot ignore the needs of Social Economy and that the leave provisions should not be so generous as to effect production and should not be in violent departure from prevailing practice and trend in the region. It has urged that in fixing the leave facilities the leave facilities granted in similar industrial establishments in the same region should be borne in mind. It has submitted that the emphasis should be on increased production and has submitted that leave in excess of the maximum provided under the Mines Act or the Factories Act should not be provided. It has in this connection relied upon the decisions of the Supreme Court in the case of Alembic Chemical Works Co. Ltd., Williamsons (India) Pvt. Ltd., and Indian Oxygen Ltd., and Associated Cement Ltd.

At the hearing it was admitted by the company that of the about 1300 workmen employed at the Zawar Mines about 1150 are permanent employees of the Zawar Mines and are paid monthly, yet they are designated as D.R.M.P. It was pointed out by the Union that this division into Daily Rated Monthly Paid and Monthly Rated Monthly Paid was an artificial and anomalous one, as workmen doing the same nature of work were arbitrarily classified into daily rated monthly paid and monthly rated monthly paid. It was pointed out that Mechanics and Assistant Mechanics are M.R.M.P. whilst, Fitters doing the same jobs are classified as D.R.M.P. That whilst Locomotive Drivers and D.R.M.P. automobile drivers are M.R.M.P. It has pointed that categories of employees like office Peons and Chowkidars who are normally generally M.R.M.P. are in the Mines classified as D.R.M.P. Shri Sen Gupta the learned Advocate for the Union has argued that there was no reason why when both groups of workmen are monthly paid there should be this artificial distinction of retaining one group as daily rated. He has argued that this results in creating a class within a class. In my opinion there is some force in this contention that whilst the vast majority—1150 out of 1300 daily rated monthly paids—are permanent as admitted by the Company at the hearing on 23rd September, 1967 and are monthly paid there is no justification in retaining them as daily rated. According to the Union, the average service of the daily rated monthly paid is 10 years whilst according to the Company it is 6 years. Even so, there would be no justification for the Company retaining permanent workmen, who are monthly paid by calling them daily rated. Even for the monthly rated, it is admitted that for the purposes of payment of overtime wages, bonus etc., the Company divides their monthly wage by 26. There is also substance in Shri Sen Gupta's contention that the present system is a legacy of the past. He has urged that the existing system has no meaning and purpose and no utility. He has, therefore, urged that the D.R.M.P., should be converted into M.R.M.P. and be entitled to the same leave benefits as are granted by the Company to its M.R.M.P., except for the higher sick leave which the Union has claimed for the daily rated monthly paid because of the hazards of silicosis which they have to face.

On the other hand Shri Babubhai Patel, Advocate, for the Company has referred to the provisions of the Mines Act and its Regulations under which the surface worker is allowed one day's earned leave for every 20 days attendance and the under-ground worker is entitled to 1 day for every 16 days put in. As regards casual leave he said that he would leave a provision for it being made for the D.R.M.P. for such days as I might think reasonable in the circumstances of the case. He has submitted that the ratio of the decisions cited by him is that Tribunals should not grant more than the maximum provided

under the Statute. It must, however, be remembered that the Mines Act provides the minimum leave which every mine must grant. As regards sick leave Shri Babubhai has particularly relied upon the Award of Shri M. R. Meher, retired President of the Industrial Court, Bombay in the industrial dispute between the M/s. General Radio and Appliances and their workmen (The Calcutta Gazette dated 23rd February 1967 pages 114 to 126). But I may say straight away that I do not think that that Award can apply as that industry was of quite a different nature. This industry is a mining industry and it would be more reasonable to follow the leave rules prescribed by the Wage Board in the Coal Mining Industry or in the Copper Project at Khetri with which the Company itself has sought comparison. I think anomalous and not consistent for the Company to rely upon the provisions of the Mines Act to rely upon an Award of another industry in a different region. Of course, the general principles stated in that Award have to be borne in mind. Shri Patel has also drawn my attention to the admitted fact that the Company grants 8 days festival holidays.

I have carefully considered the submissions both oral and written made by both the parties and on the first part of the demand for making the daily rated monthly paid into monthly rated monthly paid though there is considerable force in the submissions of the Union. I hesitate to grant the demand for the reasons that if granted it could result in the D.R.M.P., who constitute a very large number of workmen both in the Zawar Mines and in the Smelter getting much higher leave than what they are getting at present. I have also to bear in mind the financial burden if the D.R.M.P., are, all of a sudden, granted the higher leave facilities which the M.R.M.P., are getting. In fact in one respect i.e., sick leave the Unions demand is for more sick leave than even the M.R.M.P., are getting at present. I, therefore, reject the first part of this demand for converting all the permanent D.R.M.P., into M.R.M.P.

With regard to the second part of the demand, I am satisfied that the leave provisions for the D.R.M.P., deserve to be improved. With regard to Privilege leave as stated by the Coal Wage Board:—

"It is now universally recognised that a miner particularly the underground worker, needs more rest and recuperation than an industrial worker working in a factory. The Mines Act, 1952 has conceded this by providing for the underground coal miner a longer annual leave with wages than what is provided for a factory worker under the Indian Factories Act. An underground coal miner does strenuous manual work in "the dark and the damp" and taking into consideration his working and living conditions, the consensus of opinion in the Board is that an improvement in the existing privilege leave facilities is called for. The statutory provision for annual leave with wages embodied in the Mines Act, 1952, is the minimum which every employer is bound to grant and section 49 of the Mines Act itself provides that the provisions of Section 52 do not operate to the prejudice of any rights under any other law or under the terms of any award, agreement or contract of service which are more liberal. We have considered the submissions of the parties, both oral and written, and are of the opinion that a provision for a higher quantum of privilege leave than the minimum prescribed by the Mines Act 1952, is justified."

I think the proper provision for the daily rated monthly paid should be what has been granted to the Coal Mining workers under the recommendations of the Coal Wage Board which have been accepted by Government and I direct as follows:—

"For under ground daily rated monthly paid workers:

One day's privilege leave with pay for every 12 days work performed by them with accumulation for the quantum of their entitlement for a period of two years.

"For surface daily rated monthly paid workers:—

One day for every 16 days work performed by them with right to accumulate upto the quantum of their entitlement for a period of two years."

This would be justified as the Company itself has in its written statement sought comparison with the National Coal Development Corporation, which is the largest Government owned Coal Undertaking in the country.

I shall next deal with casual leave. I think the Company has been manifestly unfair in not having granted any casual leave to its D.R.M.P.—though it grants 14 days casual leave to its monthly rated monthly paid. I think a provision for casual leave is justified to meet the emergent and unforeseen circumstances under which every workman has to remain absent for some days in the

year. Employees in most Government Undertakings enjoy some days of casual leave. The Industrial Employees of the Government of India get 7 days paid casual leave in the year, and I feel that that is the quantum of casual leave which this Company should grant to its D.R.M.Ps., at the Zawar Mines and I award accordingly. The following conditions will govern grant of casual leave:—

1. Casual leave shall not be claimed as of right but only for emergent and unforeseen circumstances.
2. The workmen will be entitled to suffix or prefix the casual leave to Sundays and Holidays.
3. There shall be no accumulation of casual leave, which shall not be allowed to be added on to any other kind of leave.

With regard to sick leave, I think the existing provisions need to be improved. The Company is at present granting only 7 days sick leave with full pay in the year with no accumulation, whilst it grants is monthly rated monthly paid 14 days sick leave with pay in the year, with the right to accumulation. The Union, in my opinion, is justified in demanding improved provision for sick leave for the D.R.M.P. It is admitted that silicosis is an occupational disease in the Zinc Mines. The Union, has, in fact, claimed higher provision of 30 days in the year for sick leave for the daily rated monthly paid which is higher than what the company is granting its M.R.M.P., who get 14 days sick leave in the year. I think in the matter of sick leave there should be no difference in the provisions for the daily rated monthly paid and the monthly rated monthly paid at the Mines. I, therefore, award that the daily rated monthly paid shall get the same sick leave as is granted by the Company to its monthly rated monthly paid i.e., 14 days in the year on full pay with the same right to accumulation which the Company allows to its M.R.M.P. The same terms and conditions will govern the grant of sick leave for the D.R.M.P., as govern the grant of sick leave for the M.R.P.M.

Since the D.R.M.P. are retained as such, there is no justifiable reason for increasing their notice period from 14 days to 30 days. This demand is therefore rejected.

I further direct that the benefits of the improved leave facilities which I have awarded should be granted with effect from 1st December, 1967.

Demand No. 3:

“Whether the demand of the Zawar Mines Mazdoor Sangh for payment of dearness allowance according to the Central Government rates and then its linking with the consumer price index is justified? If not to what relief are they entitled?

This is a common demand for both the Zawar Mine employees and the Zinc Smelter employees. I have heard the submissions of the parties on this demand in detail, but I am of the opinion that this demand should not be dealt with in isolation from Demand No. 4 which is as follows:—

“Whether the existing grades of the workmen of the Zawar Mines and Head Office of the Hindustan Zinc Ltd., Udaipur, need revision and if so to what extent and from what date”.

I am of the opinion that deciding the demand for dearness allowance in the form in which it is made, without relation to the wage structure which will ultimately be evolved under demand No. 4 might lead to anomalies. It is desirable that when in one and the same dispute there is a demand for revision of the existing system of payment of dearness allowance and of the wage structure, the two should be considered and decided together and not in isolation of one another, because the total emoluments of the workmen made up of basic pay and dearness allowance would always have to be borne in mind.

Now, there has been at this hearing a demand for a second interim increase by the Union, and I have heard the parties submission thereon. It is no doubt true that I have given an interim increase of Rs. 4 per month effective from 1st July, 1967 which the Company had opposed by a recent Part I Award in this dispute which is dated 5th September, 1967. I am also aware that under the existing scheme of dearness allowance the workmen have become entitled to a further increase in dearness allowance of Rs. 6 for the lowest paid and correspondingly higher for the workmen in the existing higher basic pay ranges. But after my Interim Award Part I, dated 5th September, 1967 was made, the Central Government has given to its lowest paid employees an increase of Rs. 12 in dearness allowance in cash with effect from 1st September, 1967 at the All-India Consumer Price Index No. 195. I may here clarify and say that

this Rs. 12 is made up of Rs. 6 which became due and payable from 1st February, 1967 and another Rs. 6 which became due and payable from 1st June, 1967, both of which amounts are held in deposit in the Central Government Employees Provident Fund accounts upto 1st September, 1967. Thus the Central Government lowest paid employee has got an increase of Rs. 12 in dearness allowance in cash with effect from 1st September, 1967. It may also be stated here that he is due for another payment of Rs. 6 with effect from 1st November, 1967 at the Index figure 205. Thus, the Central Government lowest paid employee will with effect from 1st November, 1967 get a total increase of Rs. 18 in the dearness allowance.

The company in its written statement, as I have stated earlier, has compared itself with the National Coal Development Corporation whose employees under the recommendations of the Coal Wage Board have got a substantial increase in dearness allowance, much higher than the increase in dearness allowance which the Central Government employees have got. Even after taking into consideration the Rs. 4 given by me in my Award Part I with effect from 1st July, 1967 and the subsequent increase in dearness allowance of Rs. 6 and more which has become due to the employees of the Zawar Mines on the All-India Consumer Price Index Figure reaching 202. I think the workmen of the Zawar Mines and the Zinc Smelter have become entitled to an immediate further interim relief. I would, therefore, direct the payment of the following interim increase in dearness allowance per month with effect from 1st September, 1967.

For employees drawing basic salary upto Rs. 120—Rs. 12.

For employees drawing basic salary between Rs. 121 and Rs. 220—Rs. 15.

For employees drawing basic salary between Rs. 231 and Rs. 500—Rs. 18.

I further direct that this payment should be made to the workmen to whom payment under my first interim Award, dated 5th September, 1967 was made. Payment to be made within 15 days of the publication of this Award in the Gazette. This interim increase in dearness allowance is made on the same terms with regard to adjustment upward and downward as I have prescribed in my Award Part I, in the final award. I may state that by a separate Award I am granting a similar interim increase to the Zinc Smelter employees.

I may state here that before me Shri Sen Gupta, Advocate appearing for the workmen, had urged the fixation of a minimum wage by my this award Part II. But I do not think that such a direction would be justified at this stage, because in my opinion a minimum wage should properly be fixed when the wage structure is evolved, particularly when there is a demand for revision in the existing grades of pay.

Demand No. 5:

“Whether the demand of the Zawar Mines Mazdoor Sangh Udaipur, for reimbursement of medical expenses to the workmen as are admissible to other Central Government employees is justified? If not to what relief are the workmen entitled?

This is a demand common to both the Zawar Mines and the Zinc Smelter. The union in its written statement on this demand dated 18th June 1967 has admitted that the workmen of the company are allowed free medical advise and medicine for self and family at company's expense, but if the medicines prescribed by the company's doctor are not available at the company's dispensary and are to be purchased from the market no reimbursement is allowed for the same. Similarly, when an employee or his dependent is referred or removed to any Government Hospital at Udaipur or elsewhere the company undertakes no expenditure for the same and the employee has to bear all the expenditure for such hospitalisation including medicine, which means a heavy drain on the slender purse of the workmen.

The company in its written statement on this demand has stated that adequate medical facilities are available to all the employees of the Zawar Mines; that there are qualified doctors attached to the dispensary at Zawar Mines; that there are facilities for indoor, outdoor treatment and maternity; that one more doctor is shortly to be added and that the company would have no objection to consider any reasonable suggestion other than the reimbursement of medical expenses to the employees which will improve the existing medical facilities.

At the hearing it was urged by Shri Sen Gupta on behalf of the union that when a workmen requires hospitalisation outside the Zawar Mines no part of the expenses of hospitalisation are borne by the company. He further urged that if medicines are prescribed by the Company's doctor the price of such

medicines should be reimbursed to the employee and if the Company's doctor recommends the admission of a patient to the Government hospital the cost of such hospitalisation should be borne by the company including the charges for food, medicines, X-ray etc. He has stated that several employees of the company of the higher grade are granted this benefit.

In my opinion there is need for the grant of better medical facilities to the employees of the Company. I think that the workmen's claim for being reimbursed for the price of medicines which the company's doctors prescribe but which are not available in the company's dispensary is justified. But for the present the claim must be limited only in respect of the workmen and not for his family, and I direct accordingly. I am aware that in the case of Government servants even the members of their families are getting this benefit. There were many other reliefs claimed under this demand during the hearing which, however, go beyond the terms of the reference. I further direct that if a workman is sent to a Government Hospital the company must arrange for his removal in its ambulance if that is necessary and also pay for the expenses incurred on his food and all medical treatment in the Government Hospital upon the company's doctor certifying that it was a fit case for treatment at a Government Hospital.

The directions on this demand will come into effect from 1st December, 1967.

I am also making similar directions in respect of the Zinc Smelter, as the demand there is also the same and the same submissions were made in that dispute.

Demand No. 6:

Traveling Allowance:—

"Whether the demand of the Zawar Mines Mazdoor Sangh for payment of both ways train fare and other conveyance charges to the workmen for going home on annual leave is justified? If not to what relief are they entitled."

The Union in its written statement dated 18th June, 1967 on this demand has stated that the Zawar Mines employs workmen from different States of India and the wages they receive do not permit any saving by the workmen to go home during leave to meet their family and children. It has in support urged that in the Coal Industry railway fare and other conveyance expenses are paid both ways every year to their employees when they proceed on their annual leave. The Union has further stated that this benefit is at present being granted by the company at its lead-smelting factory at Tundoo in Bihar but it is unfairly denied to the workmen of the Zawar Mines and the Zinc Smelter. The company in its written statement in reply has stated that the majority of the Zawar Mines workmen are local residents and have their houses and native place in the Zawar Mines. For the rest, the present financial position of the company is such that it will not be possible to bear the burden of the travelling expense for going home once in two years. The Khetri copper project which is also in Rajasthan grants leave travel concessions. On behalf of the company Shri Patel has argued that only about 400 workmen in the Zawar Mines come from a distance of more than 250 K.M. They are from Kerala, M.P., West Bengal, Assam and Nepal.

He has referred to Shri Meher's Award in the Radio Appliances Company's case, but I do not think that that Award can have any application to the present case as the nature of the two Industries are completely different. It was also urged that in the Smelter 90 per cent of the employees are locally recruited and come from within a radius of 250 K.Ms. of the Plant. In my opinion, considering that the Tundoo factory of the company in Bihar is granting this benefit, I award that the benefit of leave travel concession in the same manner as is granted by the company to its employees at Tundoo in Bihar should be granted to its workmen in Zawar Mines and the Smelting Plant with effect from 1st December, 1967. It is I think not fair that one factory of the company should deny a benefit which the other factory of the same Company is granting though they may be in different States. This service benefit is granted by most Central Government Undertakings and the Coal Wage Board in its Report has recommended improvements in the terms on which it was hitherto being granted to coal miners. There is little doubt that this has now come to be granted as a necessary condition of service in Central Government Industrial Undertakings. I would, therefore, award that the company shall grant both ways train fare and other conveyance charges to its workmen for going home on annual leave on such terms as this benefit is being granted to its employees at Tundoo. As an identical demand has been made for the employees of the Zinc Smelter I am also making a similar award in respect of the Zinc Smelter employees.

Demand No. 7:

"Whether keeping in view the distance involved the workers of the Zawar Mines are entitled to transport facilities for their children going to schools. If so, what sort of facilities should be granted."

At the hearing the parties stated that they had reached a settlement on this demand.

I may state that in deciding these demands I have borne in mind the submissions made by both parties on the financial capacity of the company. The demands granted are the minimum demands which any Central Government Undertaking of the size of this Company must be expected to grant to its workmen. I shall discuss the details of the financial position of the Company in my final Award, but I repeat that I am more than satisfied that this Company has the financial standing and stability to grant the benefits which I have granted under this Award Part II.

I, therefore, make this my Award Part II in terms stated above which shall be applicable to those workmen to whom my Award Part I herein was made applicable.

The Award on demand Nos. 1 (Bonus), Demand No. 3 (Dearness Allowance), Demand No. 4 (Wages) and Demand No. 8 will follow later.

(Sd.) SALIM M. MERCHANT,
Arbitrator.
[No. 36/18/67-LRI.]

ORDERS

New Delhi, the 30th October 1967

S.O. 4012.—Whereas the Central Government is of opinion that an Industrial Dispute exists between the employers in relation to the State Bank of Bikaner and Jaipur, Jaipur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri J. S. Ranawat shall be the Presiding Officer, with headquarters at Jaipur and refers the said dispute for adjudication to the said Tribunal

SCHEDULE

Whether the action of the management of the State Bank of Bikaner and Jaipur, Jaipur in discharging Shri I. R. Bhandari, Stenographer with

effect from the 25th August, 1965 was an act of victimisation? If so, to what relief is the workman entitled.

[No. 51/44/66-LRIV.]

S.O. 4013.—Whereas the Central Government is of opinion that an Industrial Dispute exists between the employers in relation to the Punjab National Bank Limited, Kharagpur and their workmen in respect of the matter specified in the Schedule hereto annexed;

And whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of Shri Ved Prakash Taneja, Supervisor of the Punjab National Bank Ltd., Kharagpur that his services as Supervisor should be counted from the 21st July, 1962 for purposes of seniority and other service benefits, is justified. If so, to what relief is he entitled?

[No. 51/52/67-LRJII.]

S.O. 4014.—Whereas the Central Government is of opinion that an Industrial Dispute exists between the employers in relation to the management of Murli-Pahari Mica Mine of Messrs Singho Mica Mining Company Limited, P.O. Domchanch, District Hazaribagh, and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Dhanbad, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Murli Pahari Mica Mine of Messrs Singho Mica Mining Company Limited, Post Office Domchanch, District Hazaribagh in retrenching Shri Satya Prakash Arya, Mining Assistant from service with effect from the 5th June, 1967, was justified? If not, to what relief is the workman entitled?

[No. 20/8/67-LRI.]

New Delhi, the 31st October 1967

S.O. 4015.—Whereas the employers in relation to the Vulcan Insurance Company Limited, Bombay and their workmen represented by the Vulcan Insurance Company Limited Staff Union, Bombay, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the demands of the workmen set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said Vulcan Insurance Company Limited Staff Union, Bombay, represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

The following Demands made by the Employees of Messrs Vulcan Insurance Company Limited, Bombay, are submitted for adjudication:—

Pay Scales

Demand No. 1:

Categories

Class I

All the employees other than the General Manager and/or Underwriter and other than these described in Classes II, III and IV described hereunder shall be categorised under this Class and they shall be paid the following scale of pay, designating them as

CHIEF ASSISTANTS

Rs. 435—35—540—50—690—65—950.

Class II

SENIOR ASSISTANTS, INCLUDING STENOGRAFHERS & CASHIERS.

Rs. 325—15—415—25—540—35—750.

Class III(A)

ASSISTANTS, INCLUDING TYPISTS & AIR CONDITION PLANT OPERATORS.

Rs. 225—12—285—18—375—25—500—30—650.

Class III(B)

RECORD CLERKS.

Rs. 200—8—240—10—320—12—380.

Class IV(A)

SEPOYS, LIFTMEN AND WATCHMEN.

Rs. 150—5—175—7—210—8—250.

Class IV(B)

SWEEPERS—HAMALS.

Rs. 125—4—145—5—170—6—230.

Demand No. 2:

ADJUSTMENT AND FITTING INTO THE ABOVE GRADES PLUS RELIEF INCREMENTS.

The existing employees shall be fitted into the above scales of pay by making first an *ad hoc* addition of following amounts to the basic salary of each of the employees that he may be currently drawing on 1st January 1967, and after the *ad hoc* addition if the employee's basic pay thus improved is not a stage in the above scale of pay of his category he shall be fitted to the next higher slab or the scale. After so being fitted into the scale of pay he shall be paid his annual increment of the year 1967, as per the above scales of pay. The *ad hoc* addition as under includes some transfer from existing D.A. of each employee.

Ad hoc Addition to be made as referred to above to the basic salaries of the employees as on 1st January 1967.

| | | |
|----------|--------------|------------|
| Class I | Employees .. | Rs. 125.00 |
| Class II | Employees .. | Rs. 125.00 |

| | | |
|--------------|--------------|------------|
| Class III(A) | Employees .. | Rs. 125.00 |
| Class III(B) | Employees .. | Rs. 120.00 |
| Class IV(A) | Employees .. | Rs. 100.00 |
| Class IV(B) | Employees .. | Rs. 85.00 |

Extra Relief Increments:—

After being fitted as above into the new scales of pay, each employee shall be paid one increment called "Relief Increment" for each period of 5 (Five) years of his completed service, maximum such increments payable will be three increments in computing period of service to qualify for these relief increments, part of a year's service over six months will be taken as a complete year.

*Demand No. 3:***DEARNESS ALLOWANCE***Class IV(A) & (B) Employees:—*

Flat Dearness Allowance of Rs. 65/- plus additional D.A. based upon the cost of living index published in the Indian Labour Journal under the heading "All India working Class Consumers Price Index" the base year 1949—100 with index figure at 152 for each one point rise over 152, a corresponding percentage of rise of the basic salary of the employee shall be paid as additional D.A.

For all other employees:

Flat Dearness Allowance of Rs 75/- plus Additional D.A. as above given to Class IV(A) & (B) employees.

*Demand No. 4:***OTHER ALLOWANCES**

- (1) *House Rent Allowance.*—House Rent Allowance shall be paid to all employees at the rate of 15% of the employees' basic pay, subject to a minimum of Rs. 30/- per month and a maximum of Rs. 65/- per month.
- (2) *Educational Allowance.*—For dependants Rs. 50/- per year in case of School Education and Rs. 100/- in case of College or Technical Institute education.
- (3) *Absentee Allowance.*—Employees who work for and or attend to the duties of an absentee in the same category shall be paid 50% of the absentee's salary and allowance for the days of his absence. The allotment and distribution of the absentee's work to be confined to the particular department or section involved and to be given to each such employee by rotation.
- (4) *Officiating Allowance.*—Employees who officiate in a higher post shall be paid officiating allowance in case of posts carrying special pay or allowance, at the rate equal to the minimum of such special pay and allowances attached to the respective post.
- (5) *Overtime Allowance.*—Overtime Allowance shall be paid at the rate of double the salary calculated on hourly basis, excluding Sundays and Holidays.
- (6) *Transfer Allowance.*—Sixty per cent of the total salary including attached allowances

shall be paid to the employees for the first 12 months and 50% (fifty percent) of the total salary and attached allowances thereafter, in addition to his annual H.O. salary and annual increments as per Head Office Scales. To and fro all travelling expenses and other incidental expenses for him and his family to be paid in advance. Travel expenses for Assistants and Lower Grade will be calculated at 2nd Class and 1st Class rates for Senior Assistants and Chief Senior Assistants.

Halting Allowance.—This allowance shall be paid at the following rates for the employees and his family members.

| | |
|-------------------|----------------------------|
| Lower Grade | Rs. 10/- per head per day. |
| Assistants | Rs. 15/- per head per day. |
| Senior Assts. | Rs. 20/- per head per day. |
| Chief Sr. Assts. | Rs. 25/- per head per day. |

Employees to be transferred shall be given one month's advance intimation and 7 days preparation leave with full pay, which leave shall not be debited to his leave account.

- (7) *Washing Allowance.*—Employees or lower grade provided with Office Uniforms shall be paid washing allowance of Rs. 10/- per head per month.
- (8) *Tiffin Allowance.*—Tiffin Allowance shall be paid to each Employee at the rate of Seventy-five paise per day.

Demand No. 5:

BONUS

All employees shall be paid four months total emoluments as Bonus per year, as on 31st December of each year.

Demand No. 6:

LEAVE RULES

- (1) *Privilege Leave.*—Every employee shall be entitled to privilege leave of one day for every 11 days of service with a right to accumulate the same upto 180 days.
- (2) *Casual Leave.*—Every employee shall be entitled to Casual Leave of 15 days in a calendar year. An employee may avail of casual leave of six days at a time excluding Sundays and Holidays. Casual leave can be prefixed or suffixed to Sundays and/or Holidays.
- (3) *Sick Leave.*—An employee shall be entitled to sick leave with full pay at the rate of one month for each year of service which he/she can accumulate upto 12 months.
- (4) *Special Leave.*—Office bearers of the Trade Union shall be granted full pay leave upto 1—4 days in a year for Trade Union Activities.

NOTE:—

Employees absent due to injuries while on duty shall be treated as on duty.

Advance leave shall be granted in emergency and special cases subject to adjustment in subsequent years.

Increments of an employee nor bonus shall be affected on account of leave or loss of pay.

Encashment of leave shall be granted to all employees who apply for it, for period not exceeding two months accumulation and provided one month of accumulation is enjoyed by the employee in that year.

In case of death of any employee his accumulation of leave to the credit (Privilege Leave) shall be encashed and the amount, paid to his legal heir.

Demand No. 7:

COMPREHENSIVE MEDICAL AID SCHEME

To include free Medical aid, including hospitalisation and domiciliary benefits to employees and their dependant family members shall be forthwith introduced limiting the relative cash amount aid to Rs. 175/- per year per employee, with the benefit of accumulation of the benefit upto Rs. 350/-, the maximum.

Demand No. 8:

AMENITIES

Space shall be provided in the Company's Buildings for the accommodation of the Office and storage of (1) The employees' Co-operative Credit Society, (2) The employees' Consumers Co-operative Stores and Canteen, (3) Sports and Recreation C'ub and (4) Libraries.

Demand No. 9:

PROVIDENT FUND

- (1) Every employee shall contribute to the Provident Fund at the rate of 10% of his total emoluments with an equal contribution from the Company, every month.
- (2) The rate of interest on the Provident Fund Accumulation shall not be less than 6% per annum.
- (3) Employees shall be entitled to full contribution from the Company after 5 years of continuous service.
- (4) Employees shall be granted loans to the extent of their SIX months' salary (total emoluments) after 5 years of service, till then 2½ months' salary.

Demand No. 10:

GRATUITY

Gratuity shall be paid to employees at the rate of one month's total emoluments for each year of completed service. Service of six months and over shall be counted as full year for the purpose of gratuity period and amount calculation.

Gratuity shall be paid at this rate to employees who leave Company's services after 5 years' of service.

Gratuity shall be paid in full at the above rate in case an employee dies, or is prematurely disabled or voluntarily resigned from Company's services.

If an employee's service is terminated by the Company, he shall be paid by the Company

gratuity at the rate as above in addition to retrenchment compensation as provided in law in force.

Demand No. 11:

RETIREMENT AGE

Retirement age of an employee shall be 60 years which shall be uniformly applied to all Officers and the rest.

Demand No. 12:

RETIREMENT BENEFITS

Pension Scheme in lieu of gratuity as is applied to the Officers of the Company shall be forthwith made applicable to those employees from Classes I, II, III and IV who prefer to accept it in lieu of gratuity. Pension payable shall be for the fixed period of 10 years complete. If a pensioner dies before receiving pension for 10 years period, for the balance period his nominee shall draw the same till completion of 10 years.

Demand No. 13:

SECTIONAL HOLIDAYS/SPECIAL HOLIDAYS

Following Holidays shall be granted as full day and half day Holidays respectively in addition to all the Holidays, declared under the Negotiable Instruments Act and/or by State Government.

Full Day Holidays

1. Ramnavmi
2. Coconut Day
3. Janmastami
4. Sarvapitru Amavasya
5. 1st day of Diwali
6. 26th December each year.
7. Boxing Day.

Half Day Holidays

1. Solar Eclipse
2. Ashadi Ekadashi
3. Kartik Ekadashi
4. Mahashivratri
5. Anant Chaturdashi
6. All Shravan Mondays
7. Nagapanchami
8. Gaurivisarjan
9. Bhai Bhij
10. Monday Thursday
11. 24th December, X'Mas Eve.

S.O. 4016.—Whereas the employers in relation to the Commonwealth Assurance Company Limited, Calcutta and their workmen represented by the General Insurance Employees Association, Calcutta, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the said General Insurance Employees' Association, Calcutta represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta constituted under section 7A of the said Act.

SCHEDULE

1. All the demands contained hereinbelow shall apply to all the employees employed in THE COMMONWEALTH ASSURANCE CO. LTD., throughout Eastern Region.

2. **CLASSIFICATION OF EMPLOYEES.**—The employees shall be classified into the following categories:—

- A. Sweepers, Peons, Watchman and Head Peons shall be placed in Grade 'A'.
- B. Drivers etc. shall be placed in Grade 'B'.
- C. Assistants including Telephone Operators, Typists, Comptists shall be placed in Grade 'C'.
- D. Senior Assistants, Senior Typists and Stenographers shall be placed in Grade 'D'.

3. **SCALES OF PAY:—**

- A. 120—5—150—6—192—8—240 in 19 years.
- B. 180—6—192—8—240—10—300 in 14 years.
- C. 200—10—260—15—350—20—490 in 19 years.
- D. 275—15—350—20—450—25—600 in 16 years.

4. **DEARNESS ALLOWANCE.**—Dearness allowance shall be paid at the rate of 1% of basic pay for every rise of one point of All India Working Class Consumers' Price Index (1949 base—100 points) upto a basic salary of Rs. 300/- and $\frac{1}{2}$ per cent per point for basic salary above Rs. 300/- upto Rs. 400/- and $\frac{1}{2}\%$ per point for basic salary above Rs. 400/-.

5. **ADJUSTMENT.**—An employee shall be fitted into the new scale on point to point basis, i.e. number of years they are put in service will have to be taken into account.

6. **SPECIAL ALLOWANCE.**—Employees engaged in work mentioned below and/or designate as below shall be entitled to special allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

- A. Bank Peons, Despatch Peons, Head Peons, Franking Machine and Duplicate Machine Operators and such other employees : Rs. 20/- per month.
- B. Typists, Telephone Operators, Cashiers, Comptists and such other employees : Rs. 30/- per month.

7. **OTHER ALLOWANCES:**

A. **Overtime Allowance.**—An employee working overtime shall be entitled to overtime allowance for such period of work rendered at the rate of double the hourly rate of wages.

B. **Outstation Allowance.**—An employee required to go out of station on Office-work shall be paid return 2nd class rail fare and daily allowance of Rs. 15/- per day from the day of starting from the Station to the day of returning to the Station.

C. **Transfer Allowance.**—On transfer, an employee shall be paid a transfer allowance @ Rs. 100/- P.M. and 1st class rail fare for himself and his family and dependents and actual luggage and other charges. He should be allowed joining time of one week.

D. House Rent Allowance.—All the employees shall be paid as 'House Rent' a sum at the rate of 10% of their gross salary subject to a minimum of Rs. 30/-.

E. City Allowance.—A city allowance at the rate of Rs. 30/- per month shall be paid to each employee covered by this Charter at this Regional Office in Calcutta.

F. Lunch Allowance.—Every employee shall be paid a lunch allowance of 0.75 P. each on all working days including Saturdays.

8. LEAVE.—Casual Leave.—15 days' casual leave should be given in a Calendar year to all employees. 6 days' casual leave may be granted at a stretch. Casual leave may be prefixed and suffixed to holidays and Sundays.

Privilege (Earned) Leave.—Privilege leave should be allowed to all employees at the rate of 1 day for every 11 calendar days. Employees should be allowed to accumulate leave upto six months.

Sick Leave.—30 days' sick leave per year should be allowed on full pay to the employees with accumulation of 12 months. No privilege leave shall be deducted when an employee is on sick leave.

In case of prolonged illness, further sick leave with half pay should be allowed upto 12 months' and the rest without pay.

Maternity Leave.—Maternity leave upto the period of 3 months shall be allowed to all female employees for each pregnancy.

Examination Leave.—Employees shall be allowed 21 days leave for appearing in all the examinations in addition to all other leave.

Special Leave.—Union Representatives and Office Bearers of the General Insurance Employees Association, Eastern Region, and/or its affiliated Units to enable them to attend meetings and conference of the Unions and their Central Organisations and to participate in the Tribunals Conciliation Proceedings, will be granted adequate leave.

9. OFFICE HOURS.—Office hours on working days will be from 10-00 A.M. to 5-00 P.M. with $\frac{1}{2}$ an hour recess. On Saturdays the Office hours will be from 10 A.M. to 1 P.M. without recess.

10. SECURITY OF SERVICE.—No employee shall be victimised for Trade Union Activity.

11. GRACE TIME.—A grace time of 15 minutes shall be allowed before the employees are marked late. If an employee is late with prior permission no late mark should be made.

12. BONUS.—All employees shall be paid 3 months' basic pay as bonus per year.

13. FREE MEDICAL AID.—All the employees shall be entitled to free medical aid for selves and their dependents. All the cost of hospitalisation, medicines and doctors' bill shall be borne by the employer, within a week from the date of submission of bills.

14. GRATUITY.—An employee who ceases to be in the employment of the Society for any reason whatsoever shall be paid gratuity at the rate of one month's last drawn wages multiplied by the number of years services, part of the year over six months being reckoned as one year for this purpose.

In case of death, the gratuity shall be paid to his/her nominee.

15. RETIREMENT AGE.—The age of retirement of any employee shall be 60 (sixty) years.

16. PROVIDENT FUND.—The rate of contribution shall be 8½% of the total emoluments, i.e. basic pay with equal contribution by the Society.

Unclaimed Fund should be distributed pro-rata every three years amongst the existing employees from time to time.

Full benefits of the Fund should be permitted to the employees on completion of 5 years of service and interest at a minimum rate of 6% shall be paid on the total contribution by the employees and the society.

17. *Uniforms to Employees in the Grades of 'A' & 'B'.*—An employee of Grade 'A' & 'B' shall be provided with the following outfit annually:

1. Summer Uniforms: Three sets.
2. Umbrellas: One.
3. Footwear: One pair.
4. Rain Coat: (One for those who are to do out-door duties).
5. Winter Uniform: Two sets of woollen clothes.

18. *CONFIRMATION.*—Employees shall be confirmed after 3 months' probationary service automatically.

19. *PROMOTION.*—No direct recruitment shall be made in Grades—'D'. A higher post and all vacancies of such posts shall be filled in by way of promotion from among the existing staff. The promotions shall be made on the basis of seniority and merits of the employees.

20. *TRANSFER.*—No employee shall be transferred from one place to another without his/her prior written consent and unless it is by way of promotion to higher grade.

21. *TRADE UNION RIGHTS.*—The GENERAL INSURANCE EMPLOYEES' ASSOCIATION, Eastern Region, and its affiliated units shall continue to be given due recognition and such facilities as allowing to hold Trade Union Meetings in Office premises and use of Notice Board should be continued.

22. *EXISTING RIGHTS AND PRIVILEGES.*—Nothing contained in this charter shall adversely affect or take away from any employee or Group of employees any right, privileges or usages, practices or conventions amenities or other conditions of services that are already vested in or enjoyed by such employee or group of employees.

23. *DATE OF EFFECT.*—All benefits stated in this charter of demands shall have effect on and from the 1st day of January, 1967, except where otherwise stated.

[No. F. 74/8/87-LRIII.]

S.O. 4917—WHEREAS the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of the Iron Ores Mines of Messrs. G. N. Agarwal, Post Box 107, Margao (Goa) and their workmen in respect of the matter specified in the Schedule hereto annexed.

And, Whereas the Central Government consider it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section(1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Whether the action of the management of the Iron Ore Mines of Messrs G. N. Agarwal, Post Box, 107, Margao (Goa) in retrenching the following workmen with effect from the 22nd September, 1967 was justified ?

| | Name | Designation | Iron Ore Mine |
|---------------------------|------|-------------|---------------|
| 1. N.F. Gonsalves | . | Clerk | BIMAL MINE |
| 2. S.V. Aramani | . | Clerk | Do. |
| 3. A.S.P. Desai | . | Clerk | Do. |
| 4. Vaukunt Kelkar | . | Supervisor | Do. |
| 5. A. X. Coitionho | . | Supervisor | Do. |
| 6. A. P. Masquita | . | Supervisor | Do. |
| 7. Chandrakant Usgoancare | . | Supervisor | Do. |
| 8. Uttam Rama Naik | . | Supervisor | Do. |
| 9. I. M. Pereira | . | Supervisor | Do. |
| 10. Robin Rodrigues | . | Supervisor | Do. |

| Name | Designation | Iron | Ore | Mine |
|-------------------------------------|------------------------------|------|-----|---------------|
| 11. Mohamed Akbar Najung | Fitter/Operator T. D. 30 | | | Bimal Mine |
| 12. Datta Naik | Cleaner | | | Do |
| 13. Mathew Dennis | Cleaner | | | Do |
| 14. Vitol Porob | Cleaner | | | Do |
| 15. Gopal Bagule | Cleaner | | | Do |
| 16. Rajaram Khandeparkar | Cleaner | | | Do |
| 17. Jeronio D'Mello | Cleaner | | | Do |
| 18. John Vaz | Cleaner | | | Do |
| 19. Isidorio Dias | Com. Driver | | | Do |
| 20. R. Motiram | Com. Driver | | | Do |
| 21. Francis Monterio | Com. Driver | | | Do |
| 22. Vijay Morcoicar | Cook | | | COLOMBA MINE |
| 23. Cruz Fernandes | Clerk | | | MAINA MAINE |
| 24. Edgar Rebello | Clerk | | | Do |
| 25. Prabarkar Railkar | Clerk | | | COLOMBA MAINE |
| 26. Felix Pais | H. Supervisor | | | MAINA MINE |
| 27. Prabarkar Gad | Supervisor | | | MAINA MINE |
| 28. Isoderio Fernandes | Supervisor | | | MAINA MINE |
| 29. Lawrence Fernandes | Blaster | | | MAINA MAINE |
| 30. Mohan Bastadwarcar | Shovel Operator | | | MAINA MAINE |
| 31. M. Louis | In-Charge | | | COLOMBA MAINE |
| 32. A.L. Manjrekar | Asst. In-Charge | | | Do |
| 33. V. V. Kashalcar | Supervisor | | | BIMAL MAINE |
| 34. Attakin Radakrishna | Com. Driver | | | MAINA MINE |
| 35. Gurudas Manjrekar | Com. Driver | | | Do |
| 36. Babuli Dabolcar | Driller | | | Do |
| 37. Concessao Fernandes | Chief Sovel Ohe. Michigan | | | Do |
| 38. Chandrakant Dargalcar | Asst. Shovel Ope. | | | Do |

If not, to what relief are the workmen entitled ?

[No. 24/32/67-LRI.]

S.O. 4018.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Bombay Stevedores Association, Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the Bombay Stevedores Association Limited, Bombay was justified in terminating the services of Shri J. D. Silva, Upper Division Clerk, with effect from 28th February 1967? If not, to what relief is he entitled?

[No. 28/76/67-LRIII.]

S.O. 4019.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Messrs Damodar Mangalji and Company Private Limited, Vasco-da-Gama and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the demand of the office staff of Stevedoring-cum-Shipping Section of Messrs Damodar Mangalji and Company Private Limited Vasco-da-Gama, for payment of interim relief and dearness allowances as recommended by the Central Wage Board for Port and Dock Workers is justified? If so, to what relief are they entitled and from what date?

[No. 28(80)/67-LR-III.]

S.O. 4020.—Whereas the employers in relation to the Bombay Port Trust, Bombay and their workmen represented by the Bombay Port Trust Employees Union Bombay, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to a Tribunal in respect of the matters set forth in the said application and reproduced in the Schedule hereto annexed;

And whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

- (a) Whether the employers have the right to change the working timings of timekeepers without giving notice of change under section 9A of the Industrial Disputes Act;
- (b) Whether the employers are justified in insisting on the Time-keepers in charge of the musters in the Bombay Port Trust Workshops Time-keeping office observing the following working hours; without paying overtime wages:—

I batch—7-30 a.m. to 5-00 p.m. with one hour's recess from 11-30 a.m. to 12-30 p.m. from Mondays to Fridays; and

II batch—8-30 a.m. to 6 p.m. with one hour's recess from 12-30 p.m. to 1-30 p.m. from Mondays to Fridays; and 8-30 a.m. to 1-30 p.m. on Saturdays.

[No. 28/96/67-LRIII.]

S.O. 4021.—Whereas the employers in relation to the Bombay Port Trust, Bombay, and their workmen represented by the Bombay Stevedores and Dock Labourers' Union, Bombay have jointly applied to the Central Government for reference of an industrial dispute that exists between them to a Tribunal in respect of the matter set forth in the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the persons applying represent the majority of each party;

Now, therefore, in exercise of the powers conferred by sub-section (2) of the section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

Whether the demand that the Engine Drivers and Greasers of Hughes Dry Dock Engine House be supplied rain coats and woollen jerseys is justified?

[No. 28/97/67-LRIII.]

New Delhi, the 2nd November 1967

S.O. 4022.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to Messrs A. C. Roy and Company (Private) Limited, Calcutta and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the

Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the following demands of the Assistant Supervisors of Messrs A. C. Roy and Company (P) Limited Calcutta are justified? If so, what relief are they entitled to and from what date?

1. 8 paid holidays in a calendar year.
2. Acting allowance at enhanced rates and also for night shift Assistant Supervisors.
3. Paid weekly holiday.
4. Attendance allowance.
5. Casual Leave, sick leave and privilege leave.
6. House rent and City Compensatory allowance.
7. Children's Education allowance.

[No. 28/49/67-LRIII.]

S.O. 4023.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers mentioned in Schedule I hereto annexed and their workmen in respect of the matter specified in Schedule II hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal of which Shri V. V. Subramania Iyer shall be the Presiding Officer, with headquarters at Kozhikode and refers the said dispute for adjudication to the said Tribunal.

SCHEDULE I.

1. M/s. P. A. Abdulrehimankutty & Sons, Stevedores, Cochin-1.
2. M/s. B. J. Khona, Stevedore, Cochin-2.
3. M/s. Bharat Lines, Stevedores, Cochin-2.
4. M/s. O. P. Mamoo, Stevedore, Cochin-2.
5. M/s. P. Paree & Sons, Stevedores, Cochin-2.
6. M/s. New Dholera Shipping & Trading Co., Stevedores, Cochin-2.
7. The Secretary, United Stevedores' Association of Cochin (P) Limited, River Road, Cochin-1.

SCHEDULE II

Whether the demand of the Cochin Dock Tally Clerks' Association, 6/71, Calvathy, Fort Cochin, Cochin-1, and the Coastal Steamer Tally Clerks' Association, opposite Mattancherry Church, Bazar Road, Cochin-2 for payment of bonus for the year 1966-67 to the Registered Table and Tally Clerks at the rate of 0.15 paise per Dead Weight Ton as paid to the other registered workers is justified?

[No. 28/101/67-LRIII.]

S.O. 4024.—Whereas, the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Vulcan Insurance Company Limited, Bombay and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Messrs Vulcan Insurance Company Limited, Bombay was justified in discharging Shri D. T. Bengali from service with effect from the 8th October, 1966? If not, to what relief is the workman entitled?

[No. 70/2/67-LRIII.]

S.O. 4025.—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before the National Industrial Tribunal, Bombay constituted by the notification of the Government of India in the Ministry of Labour and Employment No. S.O. 294, dated the 27th January, 1951;

And, whereas the services of the Presiding Officer of the said Tribunal have ceased to be available;

And, whereas for the ends of justice the disputes should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B, and section 7B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said disputes from the National Industrial Tribunal, Bombay with Shri Salim M. Merchant as the Presiding Officer, constitutes a National Industrial Tribunal at Dhanbad of which Shri Kamla Sahai shall be the Presiding Officer, and transfers the said disputes to it and directs that the Tribunal shall proceed with the said proceedings from the stage at which they are transferred and dispose of the same according to law.

SCHEDULE

| Sl. No. | Parties to the dispute | No. of reference | Date of reference |
|---------|--|------------------|-------------------|
| 1. | M/s. Volkart (India) Ltd., 19, Graham Road, Bombay-1, and their workmen represented by the All India Voltas & Volkart Employees' Federation, Bombay-1 | S.O. 4011 | 20-12-1966 |
| 2. | M/s. Volkart (India) Ltd., 19, Graham Road, Bombay-1 and their workmen represented by the All India Voltas & Volkart Employees' Federation, Bombay-1 | S.O. 2440 | 14-7-67 |
| 3. | M/s. Voltas Ltd., 19, Graham Road, Bombay-1 and their workmen represented by the All India Voltas & Volkart Employees' Federation, 19, Graham Road, Ballard Estate, Bombay-1 | S.O. 4010 | 20-12-1966 |
| 4. | M/s. Voltas Ltd., 19, Graham Road, Bombay-1 and their workmen represented by the All India Voltas & Volkart Employees' Federation, 19, Graham Road, Ballard Estate, Bombay-1 | S.O. 1501 | 17-4-1967 |

[No. 17/8/66-LR IV.]

S.O. 4026.—Whereas the employers in relation to the All India General Insurance Company Limited, Bombay and their workmen represented by the All India Insurance Employees' Association, Calcutta, have jointly applied to the Central Government for reference of an industrial dispute that exists between them to an Industrial Tribunal in respect of the matters set forth in the "Charter of Demands" annexed to the said application and reproduced in the Schedule hereto annexed;

And, whereas the Central Government is satisfied that the said All India Insurance Employees' Association, Calcutta, represents the majority of the workmen;

Now, therefore, in exercise of the powers conferred by sub-section (2) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Bombay, constituted under section 7A of the said Act.

SCHEDULE

"Charter of Demands"

1. All the demands contained hereinbelow shall apply to all the employees employed in India in the ALL INDIA GENERAL INSURANCE COMPANY LIMITED.

2. *Classification of Employees.*—The employees shall be classified into the following categories:

(A) Sweepers, Peons, Watchman and Head Peons shall be placed in Grade 'A'.

(B) Drivers shall be placed in Grade 'B'.

- (C) Record Clerks shall be placed in Grade 'C'.
- (D) Assistants, Typists, Telephone Operators, Comptists and Adrema Machine Operators shall be placed in Grade 'D'.
- (E) Senior Assistants, Senior Typists and Stenographers shall be placed in Grade 'E'.
- (F) Sectional Heads and Asst. Superintendents shall be placed in Grade 'F'.

3. *Scales of Pay.*—(In Indian Rupees)

- 'A' Grade: 120—5—150—6—192—8—240 in 19 years.
- 'B' Grade: 180—6—192—8—240—10—300 in 14 years.
- 'C' Grade: 190—8—214—10—264—12—300—15—360 in 15 years.
- 'D' Grade: 200—10—260—15—350—20—490 in 19 years.
- 'E' Grade: 275—15—350—20—450—25—600 in 16 years.
- 'F' Grade: 325—25—400—30—550—40—750 in 13 years.

N.B.—These scales of pay are determined as at 1949 base year (100 points of the ALL INDIA WORKING CLASS CONSUMERS' PRICE INDEX) after shifting the base from 1939 to 1949.

4. *Dearness Allowance.*—Dearness allowance shall be paid at the rate of 1 per cent of basic pay for every rise of one point of the All India Working Class Consumers' Price Index (1949 base—100 points) with a minimum of Rs. 50/00. The published Index figure shall be increased by ten points on account of faulty compilation of Index figure for the purpose of calculation of Dearness Allowance.

5. *Adjustment and merger of dearness allowance.*—All employees shall be fitted into the new scale on a stage to stage basis. The basic pay and the dearness allowance as on 31st December, 1965 shall be treated as basic pay only for the purpose of adjustment of basic pay to the new scale of pay.

6. *Special allowance.*—Employees engaged in work mentioned below and/or designated as below shall be entitled to special allowance per mensem in addition to their salaries and emoluments in the manner stated below:—

- (a) Head Peons, Bank Peons, Despatch Peons, Franking Machine and Duplicate Machine Operators and such other employees: Rs. 20/00 per month.
- (b) Typists, Telephone Operators, Cashiers, Adrema Operators, Comptists and such other employees: Rs. 30/00 per month.

7. *Special Increments.*—Besides the above, the employees shall be entitled to special increments for passing the following examinations, on the scale shown against each examination:

On Graduation . . . Two increments.

On passing the following examinations:—

| | |
|--|--------------------------------|
| 1. Licentiate or A.C.I.I.—Part-I 2. A.F.I.I.—Part-I or A.C.I.I.—Part-II 3. A.F.I.I.—Part-II or A.C.I.I.—Part-III 4. F.F.I.I. or F.C.I.I. in 3 parts 5. Diploma in Accountancy. | } One increment for each Part. |
|--|--------------------------------|

Graduates appointed in Grades 'D' & 'E' shall get a starting salary higher by two increments. Those Graduates in Grades D, E & F, who have not received the increments shall also get two increments from 1st January, 1966.

The employees passing any of the above examinations shall have the maximum of their respective grade raised correspondingly in accordance with the additional increments.

8. *Other Allowances.*—(a) *Overtime Allowance.*—An employee working overtime shall be entitled to overtime allowance for such period of work rendered at the rate of double the hourly rate of wages.

(b) *Officiating Allowance.*—(a) If an employee is required to officiate in a higher post, he shall be entitled to an 'Acting Allowance' at the rate of 33-1/3 per cent of the gross salary of the person in whose place the employee officiates for the period of officiating.

(b) If an employee is required to act in a post for which special pay is provided, he shall be entitled to *pro-rata* special pay for the period of such work done.

(c) *Outstation Allowance*.—An employee required to go out of station on Office work shall be paid return 2nd class rail fare, other incidental charges and daily allowance of Rs. 15/00 per day from the date of starting from the Station to the day of returning to the Station.

(d) *Children Allowance*.—Children allowance of Rs. 20/00 per child per month shall be granted to the concerned employees subject to a maximum of three children.

(e) *House Rent Allowance*.—All the employees shall be paid as 'House Rent' a sum at the rate of 20 per cent of their gross salary subject to a minimum of Rs. 40/00.

(f) *City Allowance*.—A City Allowance at the rate of Rs. 30/00 per month shall be paid to each employee covered by this Charter at all the offices situated in Cities having a population of 3 (three) lacs or more.

(g) *Washing Allowance*.—Each member of sub-staff shall be paid a Washing Allowance of Rs. 15/00 per month for washing uniforms.

(h) *Lunch Allowance*.—Every employee shall be paid a Lunch Allowance of Rs. 2/50 P. on all working days including Saturdays.

9. *Conversion of Typists*.—The conversion of typists and stenographers to clerical cadre shall be allowed without any reduction in the emoluments.

10. *Amenities*.—Subsidies.

(a) All the employees shall be entitled to a free personal accident (annual) policy, the premiums of which shall be borne by the Employer. The sum assured of such a policy shall be equivalent to 48 months gross salary of the employees in their respective grades.

(b) Text books for all the recognised examinations shall be supplied by the Company. Examination fee shall be paid by the employer after the employee passes the examination.

(c) Adequate subsidy shall be given for Sports, Recreation and Cultural activities of the employees.

(d) A water cooler shall be provided for supply of drinking water to the employees.

(e) The Company shall provide 2 cups of tea—one in the morning and the other in the evening—to each of the employees on working days.

(f) Adequate subsidy shall be given to cheap canteens for supply of wholesome food to the employees.

(g) Advance to the extent of 50 per cent of the salary against current month salary shall be given to employees in case of emergency.

(h) The Company shall provide lockers to preserve the uniforms of the sub-staff members in the office premises.

(d) The company shall provide a well furnished Lunch room.

11. *Silver Jubilee Bonus*.—An employee, on completion of 25 years of service in the Company shall be paid 3 months gross salary or Rs. 500/00 whichever is more, as a Silver Jubilee Bonus.

12. *Increments*.—All increments indicated in the scales shall be paid to the employees every year in the month of January.

13. *Leave*—*Casual Leave*.—15 days' casual leave shall be granted to each employee in a calendar year. Upto 6 days casual leave shall be granted at a stretch. Casual leave may be prefixed and suffixed to holidays and Sundays. If casual leave is exhausted other leave (*viz.* Privilege and/or Sick leave) shall be granted.

Privilege Leave.—Privilege (Earned) leave shall be allowed to all employees at the rate of 1 day for every 11 calendar days and may be prefixed and suffixed to holidays and Sundays. Employees shall be allowed to accumulate leave upto 200 days. Return 1st class fare shall be granted to all the employees and their families once in 2 years for going anywhere in India. Written reply granting such leave be given within three days of submission of leave application.

Sick Leave.—30 days' sick leave per year shall be allowed on full pay to all the employees, with accumulation of 12 months, and may be prefixed and suffixed to holidays and Sundays. No privilege leave shall be deducted when an employee is on sick leave. In case of prolonged illness, further sick leave with half pay shall be allowed upto 12 months' and the rest without pay.

Maternity Leave.—Maternity leave upto the period of 3 months shall be allowed to all female employees for each pregnancy.

Examination Leave.—Employees' shall be allowed 21 working days leave for appearing in all the examinations in addition to all other leave.

Special Leave.—30 days leave shall be allowed in a year to the Union Representatives and Office Bearers of the All India Insurance Employees' Association and/or its affiliated units to enable them to attend meetings and conferences of the Union and their Central Organisations and to participate in the Tribunals and Conciliation Proceedings.

Furlough Leave.—Employees who are to retire shall be granted six months' leave as 'Leave Preparatory to retirement' or in lieu thereof six months' total salary last drawn should be paid.

14. *Security of Service.*—No employee shall be victimised for Trade Union activity.

15. *Grace Time.*—A grace time of 15 minutes shall be allowed before the employees are marked late. If an employee is late with prior permission, no late mark should be made.

16. *Bonus.*—All employees shall be paid 25 per cent of annual gross wages as bonus per year and the same shall be paid on or before 30th June of every year.

17. *Free Medical Aid.*—All the employees shall be entitled to free medical aid for selves and their dependents. All the cost of hospitalisation, medicines and doctors' bills shall be borne by the employer and the same shall be paid within a week from the date of production of the bills.

18. *Gratuity.*—An employee who ceases to be in the employment of the Company for any reason whatsoever shall be paid gratuity at the rate of one month's last drawn wages multiplied by the number of years service, part of the year over six months being reckoned as one year for this purpose.

19. *Working Hours.*—The working hours for employees in Grades C, D, E & F shall be 33 hours a week and 35 hours for employees in Grades A & B, with a recess of 60 minutes from 1.00 p.m. to 2.00 p.m. The Company shall observe 5 day's week i.e. from Monday to Friday.

20. *Retirement Age.*—The age of retirement of every employee shall be 60 years.

21. *Provident Fund.*—(a) All the employees shall be made members of the Provident Fund.

(b) The rate of contribution shall be 10 per cent of the total emoluments with equal contribution by the Company. The employees shall however, be allowed to contribute voluntarily upto 20 per cent of their total emoluments without corresponding contribution from the Company.

(c) Interest at a minimum rate of 6 per cent shall be paid on the total contribution of the employees and of the Company.

(d) Unclaimed funds shall be distributed *pro-rata* every three years amongst the existing employees from time to time.

(e) Full benefits of the Fund shall be permitted to the employees on completion of five years service.

(f) Loan from the Provident Fund to the extent of six months salary or 90 per cent of the Employees' contribution, whichever is more shall be granted to the employees at a time.

22. *Board of Trustees.*—On the Board of the Provident Fund Trust, the employees and the employer shall have equal number of representatives. Employees' representatives shall be elected by themselves by simple majority of votes.

Re-election of the employees' representatives shall be held every two years unless necessitated earlier by death or resignation or recall by a majority of the employees.

23. *Uniforms to Employees in the Grade of 'A'.*—An employee of Grade 'A' shall be provided with the following outfit annually:

| | |
|----------------------|--|
| 1. Summer uniforms : | Three sets. |
| 2. Umbrellas | One |
| 3. Footwear | Two pairs. |
| 4. Rain Coat | One for those who are to do out-door duties. |
| 5. Caps or Headwear | Two |
| 6. Winter Uniform | Two sets of woollen clothes. |

24. *Temporary Staff.*—The Company may employ temporary employees for performing duties of purely temporary nature. But such staff in no instance shall exceed more than 3 months in temporary service after which he shall be treated automatically in permanent service from the date of appointment.

25. *Confirmation.*—Employees shall be confirmed after 3 months' probationary service automatically. No medical test shall be taken at the time of confirmation.

26. *Promotions.*—No direct recruitment shall be made in Grades C, D, E & F. A higher post and all vacancies of such posts shall be filled in by way of promotion from among the existing staff. The promotions shall be made on the basis of seniority of the employees. Employees in Grades A & B shall be absorbed in Grade 'D' on passing the S.S.C.S.S.L.C. or equivalent examinations or Licentiate Examination of Federation of Insurance Institute.

27. *Maintenance of Seniority.*—The Company shall maintain an upto-date list of the employees employed in the Company strictly in accordance with the seniority of service and the same shall be kept open for an inspection by the employees as and when required.

28. *Sectional Holidays.*—10 Sectional Holidays shall be granted to all employees of the Company every year as recommended by the Union.

29. *Holiday Home.*—The Company shall provide holiday homes at Hill Stations for all the employees' of the Company during their vacation.

30. *Housing Scheme.*—The Company shall provide accommodation under a housing scheme to all the employees of the Company. Interest free loans upto 80 per cent of the cost of the house/block/tenement shall be granted to employees who desire to acquire housing accommodation.

31. *Introduction of New Grades.*—No new or intermediary grade other than these mentioned in this Charter of Demands shall be created by the Management.

32. *Festival Advance.*—A sum equivalent to one month's total wages including all allowances shall be paid to all the employees as Festival Advances. This amount shall be reimbursed in 10 equal instalments.

33. *Holidays.*—All holidays declared as Public Holidays under the Negotiable Instruments Act 1881, shall be granted to the staff.

34. *Transfer.*—No employee shall be transferred from one place to another place without his/her prior written consent.

35. *Allowance during Suspension.*—During the suspension of an employee he shall be paid an allowance equal to 75 per cent of his total wages.

36. *Trade Union Right.*—The All India Insurance Employees' Association and its affiliated units shall continue to be given due recognition and such facilities as allowing to hold Trade Union meeting in Office premises and use of Notice Board should be allowed.

37. *Existing Rights and Privileges.*—Nothing contained in this Charter shall adversely affect or take away from any employee or group of employees any right, privilege or usages, practices or conventions, amenities or other conditions of service that are already vested in or enjoyed by such employee or group of employees.

38. *Date of Effect.*—All benefits stated in this Charter of Demands shall effect on and from the 1st day of March 1968, except where otherwise stated."

S.O. 4027.—Whereas an industrial dispute exists between the employers in relation to the Balaghat Mines of Ehilai Steel Plant of Messrs Hindustan Steel Limited and their workmen represented by the Samyukta Khadan Mazdoor Sangh (hereinafter referred to as the Union);

And whereas the said employers and the Union have by a written agreement, in pursuance of the provisions of sub-section (1) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), referred the said dispute to the arbitration of the person mentioned therein, and a copy of the said arbitration agreement has been forwarded to the Central Government;

Now, therefore, in pursuance of the provisions of sub-section (3) of section 10A of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the said arbitration agreement, which was received by it on the 26th October, 1967.

Agreement

(Under Section 10-A of the Industrial Disputes Act, 1947)

BETWEEN

Name of Parties.—M/s. Hindustan Steel Ltd., in respect of Balaghat Mines (Bhilai Steel Plant) Bhilai-1, Distt. Durg (M.P.)

AND

Its workmen represented through Samyukta Mazdoor Sangh Tirodi, Distt. Balaghat (M.P.) Khadani

Representing the employers.—1. Shri B. B. Prasad, Acting Sr. Labour Officer, Bhilai Steel Plant.

Representing workmen: 2. Shri P. K. Thakur,
Vice President
3. Shri K. Nutaneshwar,
Secretary } Samyukta Khadak
Mazdoor Sangh.

It is hereby agreed between the parties to refer the following industrial dispute to the arbitration of Shri P.C. Rai, Regional Labour Commissioner (Central), Jabalpur.

(i) *Specific matters in dispute.*—Whether the action of the management in not promoting S/Sri Narayan Nair and Sadhan Chandra Rigman as drillmen in the scale of Rs. 150—210 is discriminatory? If so, to what relief the workmen are entitled.

(ii) *Details of the parties to the dispute.*—M/s. Hindustan Steel Limited in relation to their Balaghat Mines of Bhilai Steel Plant, Bhilai, Distt. Durg (M.P.).

AND

Their workmen represented through the Samyukta Khadan Mazdoor Sangh (AITUC) Tirodi, Distt. Balaghat (M.P.)

(iii) Name of the Union, if any representing the workmen in question.—
Samyukta Khadan Mazdoor Sangh (AITUC) P. O. Tirodi, Distt. Balaghat.

(iv) Total number of workmen employed in the undertaking affected:

150

(v) Estimated number of workmen affected or likely to be affected by the dispute:—

2. (Two only)

The arbitrator shall make his award within a period of three months or within such further time as is extended by mutual agreement between us in writing. In case the award is not made within the period aforementioned, the reference to arbitration shall stand automatically cancelled and we shall be free to negotiate for fresh arbitration.

Signature of parties:

B. B. PRASAD,
P. K. THAKUR,
K. NUTANESWAR.

Witnesses:-

1. Sd/- T. P. M. SONDRAM,
2. Sd/- P. K. JHA.

[No. F. 37/16/87-LRII.]

New Delhi, the 3rd November, 1967

S.O. 40280:—Whereas the industrial disputes specified in the Schedule hereto annexed are pending before the National Industrial Tribunal, Bombay constituted by the notification of the Government of India in the late Ministry of Labour and Employment No. S.O. 294, dated the 27th January, 1961;

And whereas the services of the Presiding Officer of the said Tribunal have ceased to be available;

And, whereas for the ends of justice the disputes should be disposed of without delay;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 33B, and Section 7B of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby withdraws the proceedings in relation to the said disputes from the National Industrial Tribunal, Bombay with Shri Salim M. Merchant as the Presiding Officer, constitutes a National Industrial Tribunal at Calcutta of which Shri S. K. Sen, shall be the Presiding Officer and transfers the said disputes to it and directs that the Tribunal shall proceed with the said proceedings from the stage at which they are transferred and dispose of the same according to law.

SCHEDULE

| S. No. | Parties to the dispute | No. of reference | Date of reference |
|--------|---|------------------|-------------------|
| 1. | M/s. Bennet Coleman & Co. Ltd., Bombay and their workmen represented by (1) The Times of India & Allied Publications Employees' Union, Bombay and (2) Bennet Coleman & Co. Employees' Union, New Delhi. | S. O. 2343 | 4-7-1967 |
| 2. | M/s. Associated Cement Companies Ltd., Bombay and their workmen represented by (1) Indian National Cement Workers' Federation, Bombay and (2) All India Cement Workers' Federation, Bombay-2. | S. O. 3243 | 19-10-1966 |
| 3. | M/s. Amalgamated Electricity Company, Bombay and their workmen represented by (1) Amalgamated Electricity Co. Mazdoor Sangh, Ajmer, (2) Belgaum Workers' Union Belgaum (3) National Electricity & Engineering Workers' Union, Bhiwandi (4) Jalgaon Jilla Viji Kamgar Sangh, Bhusawal (5) Jalgaon Jilla Vik Kamgar Sangh, Chalisgaon (6) General Workers' Union, Malegaon (7) Rashtriya Vidyut Kamgar Sangh, Malegaon (8) Jalgaon Jilla Viji Kamgar Sangh, Jalgaon. | S. O. 648 | 17-2-1967 |
| 4. | M/s. Amalgamated Electricity Company, Bombay and their workmen represented by (1) Amalgamated Electricity Co. Mazdoor Sangh, Ajmer, (2) Belgaum Workers' Union Belgaum, (3) National Electricity & Engineering Workers' Union, Bhiwandi (4) Jalgaon Jilla Viji Kamgar Sangh, Bhusawal (5) Jalgaon Jilla Vik Kamgar Sangh, Chilisgaon (6) General Workers' Union, Malegaon (7) Rashtriya Vidyut Kamgar Sangh, Malegaon (8) Jalgaon Jilla Viji Kamgar Sangh, Jalgaon. | S. O. 2112 | 16-6-1967 |
| 5. | The Indian Airlines Corporation, New Delhi, and its pilots. | S. O. 2929 | 17-8-1967 |
| 6. | The Indian Oil Corporation, Bombay and their workmen. | S. O. 2639 | 27-7-1967 |

[No. 17/4/67-LRILL.]

S. S. SAHASRANAMAN, Under Secy-

(Department of Labour and Employment)

New Delhi, the 30th October 1967

S.O. 4029.—The following draft of a scheme further to amend the Calcutta Dock Workers (Regulation of Employment) Scheme, 1958, which the Central Government proposes to make in exercise of the powers conferred by sub-section (1) of section 4 of the Dock Workers (Regulation of Employment) Act, 1948 (9 of 1948), is published as required by the said sub-section for the information of all persons likely to be affected thereby; and notice is hereby given that the said draft will be taken into consideration on or after the 30th November, 1967.

Any objections or suggestions which may be received from any person with respect to the said draft before the date so specified will be taken into consideration by the Central Government.

Draft Schedule

1. This Scheme may be called the Calcutta Dock Workers (Regulation of Employment) Amendment Scheme, 1967.

2. In clause 31 of the Calcutta Dock Workers (Regulation of Employment) Scheme, 1958, in sub-clause (1) for the sentence beginning with the words "A worker in the Reserve Pool Register" and ending with the words "minimum number of twelve days in a month" the following shall be substituted, namely:—

"A worker in the Reserve Pool Register shall be paid wages at least for twelve days in a month at the wage rate, inclusive of dearness allowance as prescribed by the Board appropriate to the category to which he permanently belongs or to such other category as may be decided by the Board, even though no work is found for him for the minimum number of twelve days in a month".

[No. 53/20/67/Fac. II.]

K. D. HAJELA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 30th October 1967

S.O. 4030.—In exercise of the powers conferred by section 27 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby adds to Part I of the Schedule to that Act the employment in manganese mines, notice of its intention to do so having already been given by the Notification of the Government of India in the Department of Labour and Employment No. S.O. 2220, dated the 21st June, 1967 as required by the said section.

[No. LWI(I)2(1)/65.]

New Delhi, the 3rd November 1967

S.O. 4031.—The following draft of a notification which the Central Government proposes to make, in exercise of the powers conferred by sub-section (2) of section 26 of the Minimum Wages Act, 1948 (11 of 1948), is hereby published for the information of all persons likely to be affected thereby and notice is hereby given that the said draft will be taken into consideration on or after the 30th November, 1967:

Any objections or suggestions which may be received from any person in respect of the said draft before the date so specified will be considered by the Central Government.

Draft Notification

In exercise of the powers conferred by sub-section 2 of section 26 of the Minimum Wages Act, 1948 (11 of 1948), the Central Government hereby directs that, for a period of two years from the date of publication of this notification in the Official Gazette, the provisions of sub-section (1) of section 18 of the said Act in so far as it requires a Register of Overtime and Muster Roll to be maintained in the prescribed forms, namely, Forms IV and V of the Minimum Wages (Central) Rules, 1950, shall not apply in relation to the employees of Bombay Port Trust, for whom minimum rates of wages have been fixed under the said Act, subject to the condition that particulars of such employees shall be maintained in Form G-14 B

which is set out in the Schedule to this notification and which shall be deemed to be the Register of Overtime and Muster Roll aforesaid for the purpose of the Minimum Wages Act, 1948 (11 of 1948) and the Minimum Wages (Central) Rules, 1950 and subject also to the condition that the number of hours of overtime put in by a worker on different dates as well as the total of overtime work put in by the worker in a month shall be indicated in the proposed form under columns 11 and 12 respectively, in the line immediately following the line on which the name of the worker is entered.

Muster Roll for the month of 196 .

| Date of Appointment | Leave | | | Serial No. | Designation | Name | Father's/Husband's Name | Minimum Wage Rs. | Sex | | | | | | | | | | |
|---------------------|--------|--------|------|------------|-------------|------|-------------------------|------------------|-----|---|---|---|---|---|---|---|---|---|----|
| | Earned | Casual | Sick | | | | | | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | | | | | | | | | | | |

Muster Roll for the month of 196 .

| | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|

II

Muster Roll for the month of 196 .

| 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | No. of days | Rate per month | Overtime rate | |
|----|----|----|----|----|----|----|----|----|----|----|----|-------------|----------------|---------------|----|
| | | | | | | | | | | | | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | | | |

Muster Roll for the month of 196 .

| Normal hours per week | No. of days for which overtime is admissible under M.W.A. P.T. RULES | PAY AND ALLOWANCES | | | | | | | | | |
|-----------------------|---|--------------------|------------------|---------------------------------|----------------------|------------------------|--------------------|----------|---------------------|--------|--------|
| | | Pay | Acting Allowance | Other allowances & Dearness Pay | House Rent Allowance | Compensatory Allowance | Dearness Allowance | Overtime | Gross Wages Payable | | |
| | | M.W.A. | P.T. | RULES | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. |
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | |

Muster Roll for the month of 196 .

DEDUCTIONS

| P.F. Subscription | V.P.F. Subscription | P.F. Advance | S.I.P. I.P. | Income Tax | Co-operative Credit Society | Rent for Quarters | Other De- ductions | TOTAL | Actual wages payable | Date on which over- time payment is made | R. MARKS |
|----------------------|------------------------|-----------------|----------------|------------|-----------------------------------|----------------------|-----------------------|--------|-------------------------|---|----------|
| Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. | Rs. P. |
| 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 |

[No. LWI(I)8(2)/67.]

O. P. TALWAR, Under Secy.

(Department of Labour and Employment)

New Delhi, the 31st October 1967

S.O. 4032.—In exercise of the powers conferred by sub-section (3) of section 1 of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby appoints the 5th day of November, 1967, as the date on which the provisions of Chapter IV (except sections 44 and 45 which have already been brought into force) and Chapters V and VI (except sub-section (1) of section 76 and sections 77, 78, 79 and 81 which have already been brought into force) of the said Act shall come into force in the following area in the State of Kerala, namely:—

The area comprising the revenue village of 'Pullazhy' in Trichur Taluk in the Trichur District in the State of Kerala.

[No. F. 13(17)/67-HL.]

HANS RAJ CHHABRA, Under Secy.

(Department of Labour and Employment)

New Delhi, the 4th November 1967

S.O. 4033.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act 1952 (35 of 1952), the Central Government hereby appoints Shri S. B. Chattopadhyaya and Shri V. Krishna as Inspectors of Mines subordinate to the Chief Inspector of Mines and makes the following further amendment in the notification of the Government of India in the Ministry of Labour and Employment S.O. 531 dated the 2nd March 1961 namely:—

In the said notification the following entries shall be added at the end namely:—

"(105) Shri S. B. Chattopadhyaya.

"(106) Shri V. Krishna".

[No. 8/40/66-M.I.]

S.O. 4034.—In exercise of the powers conferred by sub-section (1) of section 5 of the Mines Act, 1952 (35 of 1952), the Central Government hereby appoints Sarvashri R. L. Arora and S. R. Sinha as Inspectors of Mines subordinate to the Chief Inspector of Mines and makes the following further amendment in the Notification of the Government of India in the Ministry of Labour and Employment, S.O. No. 531, dated the 2nd March 1961, namely:—

In the said Notification the following entries shall be added at the end namely:—

"(107) Shri R. L. Arora".

"(108) Shri S. R. Sinha".

[No. 8/78/66/MI.]

J. D. TEWARI, Under Secy.

(Department of Labour and Employment)

ORDERS

New Delhi, the 30th October 1967

S.O. 4035.—Whereas, by the order of the Government of India in the Ministry of Labour, Employment and Rehabilitation (Department of Labour and Employment) No. 7/21/67-LRII, dated the 30th October, 1967, an industrial dispute between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen has been referred to the Industrial Tribunal, Hyderabad for adjudication and it is necessary to prohibit the continuance of the strike in existence in connection with the said dispute;

Now, therefore, in exercise of the powers conferred by sub-section (3) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby prohibits the continuance of the strike in existence in connection with the said dispute in the said industrial establishment.

[No. 7/21/67-LRII-II).]

S.O. 4036.—Whereas, the Central Government is of the opinion that an Industrial Dispute exists between the employers in relation to the Singareni Collieries Company Limited, Post Office Kothagudium Collieries (Andhra Pradesh) and their workmen in respect of the matter specified in the Schedule hereto annexed;

And, whereas, the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by section 7A, and clause (d) of sub-section (1) of section 10, of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby constitutes an Industrial Tribunal with Shri Mohammad Najmuddin, as Presiding Officer, with headquarters at Afzal Lodge, Tilak Road, Ramkote, Hyderabad-1, and refers the said dispute for adjudication to the said Industrial Tribunal.

SCHEDULE

Subject to the views expressed and recommendations made by the Central Wage Board for Coal Mining Industry, and the agreement between the management of Singareni Collieries Company Limited and their trade unions referred to, in paragraphs 3 to 6 of Chapter IX of the Wage Board's report, what further modifications and changes in the categorisation and wage structure recommended by the said Wage Board for West Bengal and Bihar coalfields are necessary to make the said categorisation and wage structure applicable to the workmen of the Singareni Collieries Company Limited, having regard to the special conditions obtaining in the Andhra Pradesh coalfields.

[No. 7/21/67-LRII-I.]

New Delhi, the 3rd November 1967

S.O. 4037.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the Hirakun Colliery, Post Office Neturia, District Purulia and their workmen in respect of the matters specified in the Schedule hereto annexed;

And Whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, Therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the action of the management of Hirakun Colliery in ordering on the 21st July, 1967 the transfer of Shri Shiba Prasad Gantait, Tub-Checker to Central Tasa Colliery and in subsequently terminating his services with effect from the 10th August, 1967, was justified?

If not, to what relief is the workman entitled?

[No. 8/72/67-LRII.]

New Delhi, the 4th November 1967

S.O. 4038.—Whereas the Central Government is of opinion that an industrial dispute exists between the employers in relation to the management of Jaipuria Kojora Colliery (Messrs Jaipuria Kojora Collieries Limited, Post Office Ondal, District Burdwan) and their workmen in respect of the matters specified in the Schedule hereto annexed;

And, whereas the Central Government considers it desirable to refer the said dispute for adjudication;

Now, therefore, in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby refers the said dispute for adjudication to the Industrial Tribunal, Calcutta, constituted under section 7A of the said Act.

SCHEDULE

Whether the management of Jaipurla Kajora Colliery, Post Office Ondal, District Burdwan, was justified in dismissing Shri Sarat Chandra Adhikary? If not, to what relief is the workman entitled?

[No. 6/70/67-LRJI.]

BALWANT SINGH, Under Secy.

(Department of Rehabilitation)

(Office of the Regional Settlement Commissioner)

New Delhi, the 2nd November 1967

S.O. 4039.—In exercise of the powers conferred by Sub-section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (No. 44 of 1954) the Central Government hereby appoints Shri V. G. Pahlajani, as Settlement Officer for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the afternoon of 19th September, 1967.

[No. 6(6) AGZ/67.]

A. G. VASWANI,

Settlement Commissioner (A) and Ex-Officio Under Secy.

(To be substituted for notification issued under letter No. RSCJ/23/23/20/67-Admn., dated the 8th of September, 1967).

(Department of Rehabilitation)

(Office of the Regional Settlement Commissioner)

Jullundur, the 28th October 1967

S.O. 4040.—In exercise of the powers conferred on me by section 34(3) of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), I, Harish Chander, Regional Settlement Commissioner delegate to Shri S. N. Bahl, Assistant Settlement Commissioner, Jullundur, my following powers with effect from 1st August, 1967:

1. To hear and decide appeals under Section 22 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954;
2. To decide cases falling under sub-section (b) of Section 9 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954.
3. To hear and decide the objections under rule 92 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955, against the sale of any property and acquired urban agricultural land, made under rule 90 or 91 of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.
4. To evaluate the acquired evacuee urban agricultural lands under Rule 34-B of Chapter VA of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955.

[No. F. RSCJ/23/23/20/67-Admn.]

HARISH CHANDER,
Regional Settlement Commissioner,
Jullundur.

CENTRAL BOARD OF DIRECT TAXES

INCOME-TAX

New Delhi, the 27th October 1967

S.O. 4041.—In exercise of the powers conferred by Section 126 of the Income-Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby deletes Serial Nos. 33, 34, 35, 36, 37, 38 and 38A and the entries thereagainst from the

schedule annexed to its Notification S.R.O. 1214 (No. 44-Income-tax), dated the 1st July, 1952, as amended from time to time.

This notification shall take effect from 6th November 1967.

[No. 12(F. No. 55/50/66-IT).]

CORRIGENDUM

New Delhi, the 30th October 1967

S.O. 4042.—In exercise of the powers conferred by sub-section (1) of section 121 of the Income Tax Act, 1961 (43 of 1961), the Central Board of Direct Taxes hereby directs that the order contained in its Notification No. 122 [No. F55/284/67-IT (A.II)], dated the 30th September, 1967 shall take effect from the 16th October, 1967.

[No. 146/F. No. 55/284/67-IT(A.II).]

A. RAGHAVENDRA RAO, Under Secy.

MINISTRY OF INDUSTRIAL DEVELOPMENT AND COMPANY AFFAIRS

(Department of Industrial Development)

ORDERS

New Delhi, the 2nd November 1967

S.O. 4043/IDRA/6/10/67.—In exercise of the powers conferred by Section 6 of the Industrial (Development and Regulation) Act, 1951 (65 of 1951) read with rules 2, 4 and 5 of the Development Councils (Procedural) Rules, 1952, the Central Government hereby appoints, for a period upto 31st March, 1968 with effect from the date of this Order, the following persons to be members of the Development Council for the scheduled industries engaged in the manufacture or production of Non-Ferrous Metals, including Alloys and Semi-Manufactures thereof, in place of members appointed under the Government of India, late Ministry of Commerce and Industry Order No. S.O. 2531/IDRA/6/3 dated the 28th August, 1963 as amended from time to time, whose terms of office has expired by efflux of time or otherwise:—

Development Council for non-ferrous metals and alloys

(i) Dr. D. P. Antia, M/s. Union Carbide Ltd., 1, Middleton Street, Calcutta-16.
—Chairman.

Members.

- (2) Shri A. L. Sabharwal, General Manager, Indian Aluminium Co. Ltd., 1, Middleton Street, Calcutta-16
- (3) Shri Ghanshyamdas Binani, M/s. Cominco Binani Zinc Ltd., 38, Strand Road, Calcutta-1.
- (4) Mr. D. D. Wood, Director, M/s. The Eyre Smelting Private Ltd., B-4, Gillander House, Calcutta-1.
- (5) Shri R. N. Kapur, Senior Executive Officer, The Indian Iron & Steel Co. Ltd., 12, Mission Row, Calcutta-1.
- (6) Shri M. M. Ray, Assistant Works Manager, M/s. Indian Copper Corporation Ltd., P.O. Ghatsila, Dist. Singhbhum (Bihar).
- (7) Dr. D. Kumar, Research and Development Officer, M/s. Hindustan Aluminium Corporation Ltd., P.O. Renukoot, Dist. Mirzapur (U.P.).
- (8) Shri Dev Kumar Aggarwal, M/s. Devidayal Metal Industries, Gupta Mills Estate, Reay Road, Bombay-10.
- (9) Shri P. C. N. Majumdar, B.Sc. (Met), M/s. Kamani Tubes Private Ltd., Agra Road, Bombay-70.
- (10) Shri H. T. Bhandary, Managing Director, M/s. Bhandary Metallurgical Corporation Private Ltd., Agra Road, Vikhroli, Bhandup, Bombay.
- (11) Shri D. D. Desai, Chairman, M/s. Power Cables Private Ltd., Thakersey House, Graham Road, Ballard Estate, Bombay.
- (12) Shri K. R. Ranganathan, Sales Manager, The Madras Aluminium Company Ltd., "Jayalakshmi", Race Course, Colmbatore-18.

- (13) Shri P. M. Menon, Technical Adviser, The Bharat Aluminium Co. Ltd., C-29, NDSE/Part II, New Delhi-16.
- (14) Shri T. B. Malhotra, Chief Executive, Planning Division, M/s. National Mineral Development Corporation Ltd., Faridabad (New Industrial Town), Haryana.
- (15) Shri J. D. Adhia, General Manager (Smelter), M/s. Hindustan Zinc Ltd., 11/221, Hospital Road, Udaipur (Rajasthan).
- (16) Shri K. N. Ramaswamy, Assistant Chief Engineer (Technical), M/s. Bharat Heavy Electricals Ltd., Ramachandrapuram, Hyderabad-32.
- (17) Shri P. P. Bhatnagar, Scientist, National Metallurgical Laboratory, Jamshedpur-7.
- (18) Shri B. S. Krishnamachar, Director (S&M) Indian Standards Institution, Manak Bhavan, Mathura Road, New Delhi.
- (19) Dr. K. Venugopal, National Council of Applied Economic Research, Parbila Bhawan, 11, Indraprastha Estate, New Delhi-1.
- (20) Dr. R. Prasad, Head of the Department of Metallurgy (Engineering), Institution of Technology, Sindri (Bihar).
- (21) Dr. N. K. Rao, Head, Atomic Fuels Division, Atomic Energy Establishment, Trombay.
- (22) Shri D. Majumdar, Director (ID), Office of the Development Commissioner, Small Scale Industries, New Delhi.
- (23) Joint Director (Metallurgical and Chemical), Research Designs and Standards Organisation, Chittaranjan.
- (24) Shri Hari Bhushan, Director (Engineering), Planning Commission, New Delhi.
- (25) Shri R. N. Vasudeva, Joint Secretary, Ministry of Steel, Mines & Metals (Department of Mines & Metals), New Delhi.
- (26) Shri D. Y. Moghe, General Manager, Ordnance Factory, Ambernath.
- (27) Shri K. J. George, Director (Foreign Investment & Collaboration), Ministry of Industrial Development and Company Affairs, (Department of Industrial Development), New Delhi.
- (28) Dr. P. Dayal, Development Officer, D.G.T.D., New Delhi.

2. Dr. P. Dayal, Development Officer, D.G.T.D., New Delhi is hereby appointed to carry on the functions of the Secretary to the said Development Council.

[No. 2(2)/Dev.Council/65-L.C.]

New Delhi, the 4th November 1967

S.O. 4044.—In exercise of the powers conferred by section 5 of the Industries (Development and Regulation) Act, 1951 (65 of 1951) read with rules 3 and 4 of the Central Advisory Council (Procedural) Rules, 1952, the Central Government hereby appoints the following persons to be members of the Central Advisory Council for a period of two years from the date of this Order, in place of members whose term has expired by efflux of time or otherwise:—

Chairman

1. Minister of Industrial Development and Company Affairs.

Members

2. Shri L. N. Birla, President, Federation of Indian Chambers of Commerce and Industry, Federation House, New Delhi-1.
3. Shri C. A. Pitts, President, The Associated Chambers of Commerce and Industry of India, Royal Exchange, 6, Netaji Subhas Road, Calcutta.
4. Shri J. R. D. Tata, Tata Industries, Private Ltd., Bombay House, Bruce Street, Fort, Bombay-1.
5. Shri Keshub Mahindra, Mahindra and Mahindra Ltd., Gateway Buildings, Apollo Bunder, Bombay-1.
6. ~~Shri A. R. Bhat~~, President, Federation of Associations of Small Industries of India, 256, Sadashiv Peth, Poona.
7. L. Charat Ram, Delhi Cloth and General Mills Ltd., Bara Hindu Rao, Delhi.

8. Shri B. D. Somani, President, All India Manufacturers' Organisation, Shree Niwas House, Waudby Road, Fort, Bombay-1.
9. Shri A. K. Kader Kutty, Palliekom House, Tellichery, Kerala.
10. Shri M. A. Fazalbhoy, Managing Director, Photophone Equipments Ltd., Sandhurst Bridge, 532, Sardar Vallabhbhai Patel Road, Bombay-7.
11. Shri G. M. Modi, Chairman, Modi Industries, Modi Nagar (U.P.).
12. Shri A. E. Faizullabhoy, The Oriental Chamber of Commerce, 6, Clive Row, Calcutta-1.
13. Shri P. L. Tandon, Hindustan Lever Ltd., Hindustan Lever House, 165/166, Back Bay Reclamation, Bombay-1.
14. Dr. S. N. Ranade, President, National Co-operative Consumers' Federation Ltd., Court Road, Ahmednagar (Maharashtra).
15. Shri S. S. Mirajkar, New Municipal Quarters, Opposite Koliwada Station, Sion (East), Bombay-22.
16. Shri V. V. Dravid, President, INTUC, Shram Shivir Shehiataganj, Indore.
17. Shri S. R. Vasavada, C/o Textile Labour Association, Gandhi Major Sevalaya, Bhadra, Ahmedabad.
18. Shri G. Ramanujam, General Secretary, INTUC, 2/44, Royapettah High Road, Madras-14.
19. Shri Kanti Mehta, General Secretary, Indian National Mine Workers Federation, 9, Elgin Road, Calcutta-20.
20. Shri Manohar Kotwal, General Secretary, Hind Mazdoor Sabha, 167, P. D. Mello Road, Bombay-1.
21. Shri S. M. Patil, Chairman and Managing Director, Hindustan Machine Tools Ltd., Bangalore.

[No. 1(5)/Ldc.Pol./67.]

R. C. SETHI, Under Secy.

(Department of Industrial Development)

CORRIGENDUM

New Delhi, the 23rd October 1967

S.O. 4045/IDRA/6/5.—In the erstwhile Ministry of Industry Order No. S.O. IDRA/6/5, dated the 5th March, 1966, published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 9th April, 1966.

for 6. Shri V. B. Gekran, M/s. English Electric Co. of India Ltd., Post Box No. 2392, Madras-27.

read 6. Shri V. B. Gekran, M/s. Southern Switchgear Ltd., Finance House, Patullo Road, Madras-2.

In the erstwhile Ministry of Industry Order No. S.O. IDRA/6/5, dated the 14th July, 1966 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 30th July, 1966.

In Para 1—

read 2. Shri N. Venkatesan, Chief Planning and Development, Bharat Heavy Electricals Ltd., New Delhi.

read 2. Shri N. Venkatesan, Chief Planning and Development Bharat, Heavy Electricals Ltd., New Delhi.

for 6. Col. S. K. Malhotra, Director of Production and Inspection, Directorate General of Inspection, Ministry of Defence, New Delhi.

read 6. Brig. K. K. Mehta, Director of Electronics, 11-A, Janpath, New Delhi.

for 7. Shri K. T. Ramalingam, Deputy Chief Electrical Engineer (Dev.) Chittaranjan Locomotive Works, Chittaranjan.

read 7. Shri Satya Prakash, Deputy Director Railway Stores (Development) Railway Board, New Delhi.

In Para 2—

for 20. Shri V. Krishnamurthy, Chief Planning and Development, Bharat Heavy Electricals Ltd., New Delhi.

read 20. Shri N. Venkatesan, Chief Planning and Development, Bharat Heavy Electricals Ltd. New Delhi.

for 24. Col. S. K. Malhotra, Director of Production and Inspection, Directorate General of Inspection, Ministry of Defence, New Delhi.

read 24. Brig. K. K. Mehta, Director of Electronics, 11-A, Janpath, New Delhi.

for 25. Shri K. P. Ramalingam, Deputy Chief Electrical Engineer (Dev.) Chittaranjan Locomotive Works. Chittaranjan.

read 25. Shri Satya Prakash, Deputy Director, Railway Stores (Development) Railway Board, New Delhi.

In the erstwhile Ministry of Industry Corrigendum, dated the 22nd November, 1966 published in Part II, Section 3, Sub-section (ii) of the Gazette of India, dated the 10th December, 1966.

for 14. Shri N. Venkatesan, Director, Central Water and Power Commission (Power Wing) Bikaner House, New Delhi.

read 14. Shri V. Venugopalan, Member (Utilisation) Central Water & Power Commission (Power Wing), Bikaner House, New Delhi.

[No. BEI-10 (20)/63.]

M. N. SHENOY, Dy. Secy.

(Department of Industrial Development)

(Indian Standards Institution)

New Delhi, the 31st October 1967

S. O. 4046.—In pursuance of regulation 4 of the Indian Standards Institution (Certification Marks) Regulations, 1955, the Indian Standards Institution hereby notifies that amendment(s) to the Indian Standard(s) given in the schedule hereto annexed have been issued under the powers conferred by the sub-regulation (1) of Regulation 3 of the said Regulations.

THE SCHEDULE

| Serial No. | No. and title of the Indian Standard amended | No. and Date of Gazette Notification in which the Establishment of the Indian Standard was notified | No. and Date of the Amendment | Brief particulars of the Amendment | Date from which the Amendment shall have effect |
|------------|---|---|-------------------------------|--|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1 | IS : 694 (Part I)—1964 Specification for PVC insulated cables (for voltages upto 1100 V) Part I With copper conductors (revised) | S. O. 385, dated 6 February 1965 | No. 2 August 1967 | Clause 6.4 has been amended | 31 August 1967 |
| 2 | IS : 1146—1960 Specification for hard rubber containers for lead-acid storage batteries | S. O. 2960, dated 10 December 1960 | No. 3 June 1967 | (i) Clause 6.6 has been deleted (ii) Clauses 3.4.2.1, B-1.2.1 and B-1.2.2 have been amended | 30 June 1967 |
| 3 | IS : 2493—1963 Tolerance limits for industrial effluents discharged into inland surface waters | S. O. 3590, dated 28 December 1963 | No. 1 September 1967 | Table I has been amended | 30 September 1967 |
| 4 | IS : 2576—1963 Specification for dry batteries for transistor radio receivers. | S. O. 950, dated 21 March 1964 | No. 2 September 1967 | New matter has been added after clause 7.1(f) | 30 September 1967 |
| 5 | IS : 3137—1965 Specification for Indian multipurpose food flour. | S. O. 1081, dated 9 April 1966 | No. 1 July 1967 | Table I has been amended | 31 July 1967 |

Copies of these amendment slips are available, free of cost, with the Indian Standards Institution, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-1 and also its branches at (i) Bombay Mutual Terrace, Sandhurst Bridge, Bombay-7 (ii) Third & Fourth Floors, 5 Chowinghee Approach, Calcutta-13, (iii) Second Floor, Sathyamurthi Bhavan, 54 General Patters Road Madras, (iv) 117/418-B Sarvodaya Nagar, Kanpur.

[No. MD/135]

S. O. 4047.—The Certification Marks licences, details of which are mentioned in the Schedule given hereafter, have lapsed on their renewal deferred:

THE SCHEDULE

| Serial No. | Licence No. and Date | Licensee's Name and Address | Article/Process and the Relevant IS: No. | S. O. Number and Date of the Gazette Notifying Grant of Licence. | Remarks. |
|------------|------------------------|--|--|--|---------------------------|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1 | CM/L-442 20-8-1962 | Kamani Metals & Alloys Ltd., Agra Road, Kurla, Bombay-70. | Hot rolled brass sheets and strips, grade Bs 60A for the manufacture of utensils—IS: 422—1959 | S. O. 2845 dated 15-9-1962 | Deferred after 31-8-1967 |
| 2 | CM/L-443 20-8-1962 | Kamani Metals & Alloys Ltd., Agra Road, Kurla, Bombay-30 | Hot rolled copper sheet and strips grade I for the manufacture of utensils and for the general purposes IS : 1550—1960 | S. O. 943 dated 21-3-1964 | Deferred after 31-7-1967. |
| 3 | CM/L-628 18-2-1964 | Tar & Bitumen Products, Pvt. Ltd., 63/1, Belgachia Road, Calcutta-37 | Preformed fillers for expansion joints in concrete—IS: 1838-1961. | S. O. 2590 dated 1-8-1964 | Deferred after 31-7-1967 |
| 4 | CM/L-722 29-6-1964 | Agarwal Iron Works & Steel Rolling Mills, Motilal Nehru Road, Agra. | Structural steel (standard quality)—IS : 226—1962 | S. O. 3553 dated 10-10-1967 | Deferred after 15-9-1967. |
| 5 | CM/L-723 29-6-1964 | Agarwal Iron Works & Steel Rolling Mills, Motilal Nehru Road, Agra. | Structural steel (ordinary quality)—IS: 1977—1962 | S. O. 3762 dated 31-10-1964 | Deferred after 30-9-1967 |
| 6 | CM/L-777 26-8-1964 | Vijaya Traders, Karmanghot Place, Hyderabad. | Water meters (domestic type) 15 mm, 20 mm and 25 mm sizes—IS: 779—1961. | S. O. 274 dated 23-1-1965 | Lapsed after 31-1-1967 |
| 7 | CM/L-795 30-9-1964 | Parkash Engg. Co. & Rolling Mills, Freeganj, Agra City. | Structural steel (standard quality)—IS : 226—1962 | S. O. 2925 dated 1-10-1966 | Deferred after 15-9-1967 |
| 8 | CM/L-796 30-9-1964 | Parkash Engg. Co. & Rolling Mills, Freeganj, Agra City. | Structural steel (ordinary quality)—IS: 1977-1962 | S. O. 2925 dated 1-10-1966 | Deferred after 15-9-1967 |
| 9 | CM/L-986 29-12-1964 | Santosh Industries, 87/6 Kalpi Road, Heeraganj, Kanpur. | Fractional horse power electric motors, universal type, 1/10 HP only—IS: 996—1959 | S. O. 2925 dated 1-10-1966 | Deferred after 15-9-1967 |
| 10 | CM/L-1316 25-8-1966 | Indo Asian Traders Pvt. Ltd., Nakodar Road, Jullundur. | Rewirable electric fuses (carriers and bases), 15 amp, 250 volts: HC design only—IS : 2086—1963. | S. O. 2925 dated 1-10-1966 | Deferred after 15-9-1967 |

| (1) | (2) | (3) | (4) | (5) | (6) |
|-----|------------------------|--|--|-------------------------------|-----------------------------|
| 11 | CM/L-1318 29-8-1966 | Indian Research Industries Ltd., 30 Alarmelmangalpuram, Madras-4. | Dye-based fountain pen ink (blue, green, black and red)—IS: 1221— 1957 | S. O. 2925 dated 1-10-1966 | Deferred after 31-8-1967 |
| 12 | CM/L-1326 31-8-1966 | The Southern Metal Industries, Manasar Alleppay Distt., Kerala State. | Wrought aluminium utensils, SiC grade—IS: 21—1959 | S.O. 2925 dated 1-10-1966 | Deferred after 15-9-1967 |

[No. MD/33 : 16/C.]

S.O. 4048.—In pursuance of the provisions of sub-rule (2) of rule 3 of the Indian Standards Institution (Certification Marks), Rules, 1955, the Indian Standards Institution hereby notifies that the Indian Standards, particulars of which are given in the schedule hereto annexed have been established during the quarter ending 30 September 1967:

THE SCHEDULE

| Sl. No. | No. of Indian Standard | Title of Indian Standard |
|---------|---------------------------------------|---|
| (1) | (2) | (3) |
| 1 | IS : 51-1966 . . . | Specification for zinc chremes for paints (<i>second revision</i>). |
| 2 | IS : 332-1957 . . . | Specification for chromium potassium sulphate (chrome alum) (<i>first revision</i>). |
| 3 | IS : 490-1967 . . . | Specification for vaccine phials (<i>first revision</i>). |
| 4 | IS : 733-1967 . . . | Specification for wrought aluminium and aluminium alloys, bars, rods and sections (for general engineering purposes) (<i>first revision</i>). |
| 5 | IS : 734-1967 . . . | Specification for wrought aluminium and aluminium alloys, forging stock and forgings (for general engineering purposes) (<i>first revision</i>). |
| 6 | IS : 804-1967 . . . | Specification for rectangular pressed steel tanks (<i>first revision</i>). |
| 7 | IS : 830-1966 . . . | Specification for tennis racket frames (<i>revised</i>). |
| 8 | IS : 834-1967 . . . | Specification for cotton yarn, grey, for hosiery. |
| 9 | IS : 1003 (Part I)-1966 . . . | Specification for timber panelled and glazed shutters. Part I door shutters (<i>first revision</i>). |
| 10 | IS : 1179-1967 . . . | Specification for equipment for eye and face protection during welding (<i>first revision</i>). |
| 11 | IS : 1280-1967 . . . | Specification for foundry moulding boxes of steel construction (<i>first revision</i>). |
| 12 | IS : 1324-1966 . . . | Glossary of textile terms relating to man-made fibre and fabric industry (<i>first revision</i>). |
| 13 | IS : 1368-1967 . . . | Dimensions of ends of bolts and screws (<i>first revision</i>). |
| 14 | IS : 1397-1967 . . . | Specification for craft paper (<i>first revision</i>). |
| 15 | IS : 1536-1967 . . . | Specification for centrifugally cast (spun) iron pressure pipes for water, gas and sewage (<i>first revision</i>). |
| 16 | IS : 1587-1967 . . . | Specification for aviation turbine fuels, high flash point type (<i>first revision</i>). |
| 17 | IS : 1588-1967 . . . | Specification for aviation turbine fuels, wide cut gasoline type (<i>first revision</i>). |
| 18 | IS : 1595-1967 . . . | Specification for enamelled round copper wire with high mechanical properties (<i>first revision</i>). |
| 19 | IS : 1702-1967 . . . | Specification for spring balances (<i>first revision</i>). |
| 20 | IS : 1745-1966 . . . | Specification for petroleum hydrocarbon solvents. <i>first revision</i> . |
| 21 | IS : 1753-1967 . . . | Specification for aluminium conductor for insulated cables (<i>first revision</i>). |
| 22 | IS : 1821-1967 . . . | Dimensions for clearance holes for metric bolts (<i>first revision</i>). |
| 23 | IS : 1849-1967 . . . | Code of practice for design and installation of lime-kilns. |
| 24 | IS : 1852-1967 . . . | Specification for rolling and cutting tolerances for hot-rolled steel products (<i>first revision</i>). |
| 25 | IS : 1860-1967 . . . | Specification for zinc oxide for electroplating. |
| 26 | IS : 1885 (Part III/Sec 2)-1966 . . . | Electrotechnical vocabulary. Part III acoustics. Section 2 Acoustical and electro-acoustical system. Electrotechnical Vocabulary. Part III acoustics. |
| 27 | IS : 1885 (Part III/Sec 4)-1966 . . . | Section 4 sonics, ultrasonics and underwater acoustics. |
| 28 | IS : 1855 (Part XI)-1966 . . . | Electrotechnical vocabulary. Part II electrical measurements. |

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| 29 | IS : 1885 (Part XII)-1966 | Electrotechnical vocabulary. |
| 30 | IS : 1885 (Part XIII/Sec 2)-1967 | Part III ferromagnetic oxide materials. |
| 31 | IS : 1886-1967 | Electrotechnical vocabulary. |
| 32 | IS : 1911-1967 | Part XIII telecommunication transmission lines and waveguides. |
| 33 | IS : 2115-1967 | Section 2 microwave transmission lines and waveguides. |
| 34 | IS : 2191 (Part I)-1966 | Code of practice for installation and maintenance of transformers (<i>first revision</i>). |
| 35 | IS : 2191 (Part II)-1966 | Schedule of unit weights of building materials (<i>first revision</i>). |
| 36 | IS : 2202 (Part II)-1966 | Code of practice for flat roof finish : mud PHUSKA (<i>first revision</i>). |
| 37 | IS : 2338 (Part I)-1967 | Specification for wooden flush door shutters (cellular and hollow core type). |
| 38 | IS : 2338 (Part II)-1967 | Part I plywood face panels (<i>first revision</i>). |
| 39 | IS : 2369-1967 | Specification for wooden flush door shutters (solid core type). |
| 40 | IS : 2377-1967 | Part II particle board face panels (<i>first revision</i>). |
| 41 | IS : 2454-1967 | Code of practice for finishing of wood and wood-based materials Part I Operations and Workmanship. |
| 42 | IS : 2548E-1966 | Code of practice for finishing of wood and wood-based materials Part II schedules. |
| 43 | IS : 2598-1966 | Method for determination of absorbency of absorbent textile materials (<i>first revision</i>). |
| 44 | IS : 2628 (Part II)-1967 | Tables for volumes of cut sizes of timber (<i>first revision</i>). |
| 45 | IS : 2683-1966 | Method for determination of colour fastness of textile materials to artificial light (xenon lamp). |
| 46 | IS : 2720 (Part XXIV)-1967 | Specification for plastic water-closet seats and covers (<i>revised</i>). |
| 47 | IS : 2720 (Part XXV)-1967 | Safety code for industrial radiographic practice. |
| 48 | IS : 2720 (Part XXVI)-1967 | Specification for rotary wafer switches (low current rating). |
| 49 | IS : 3088-1967 | Part II rotary wafer switches with central mounting. |
| 50 | IS : 3223-1967 | Guide for installation of pressure impregnation plants for timber (<i>first revision</i>). |
| 51 | IS : 3274-1967 | Method of test for soils. |
| 52 | IS : 3333 (Part I)-1967 | Part XXIV Determination of base exchange capacity. |
| 53 | IS : 3333 (Part II)-1967 | Methods of test for soils. |
| 54 | IS : 3333 (Part III)-1967 | Part XXV Determination of silica sesquioxide ratio. |
| 55 | IS : 3333 (Part IV)-1967 | Methods of test for soils. |
| 56 | IS : 3354 (Part III)-1967 | Part XXVI Determination of pH value. |
| 57 | IS : 3354 (Part IV)-1967 | Method for assaying of fine grade palladium. |
| 58 | IS : 3579-1966 | Graphical symbols for process measurement and control functions. |
| 59 | IS : 3595-1967 | Specification for goose-neck ventilators-welded type. |
| | | Dimensions for petroleum industry pipe threads. |
| | | Part I lime pipe threads. |
| | | Dimensions for petroleum industry pipe threads. |
| | | Part II casing round threads. |
| | | Dimensions for petroleum industry pipe threads. |
| | | Part III tubing round threads. |
| | | Dimensions for petroleum industry pipe threads. |
| | | Part IV buttress casing threads. |
| | | Specification for valve sockets. |
| | | Part III valve sockets for octal base. |
| | | Specification for valve sockets. |
| | | Part IV valve sockets for 9-pin miniature base. |
| | | Methods of test for oilseeds. |
| | | Code of practice for fire safety of industrial buildings: coal pulverizers. |

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| 60 | IS : 3620-1966 | Specification for structural timber in building. |
| 61 | IS : 3681-1966 | General plan for spur and helical gears. |
| 62 | IS : 3746-1966 | Graphical symbols for coal preparation plant. |
| 63 | IS : 3752-1967 | Methods of test for alcoholic drinks. |
| 64 | IS : 3756-1966 | Method for gear correction. |
| 65 | IS : 3792-1966 | Guide for heat insulation of non-industrial buildings. |
| 66 | IS : 3807-1966 | Specification for forceps, dressing, aural and nasal. |
| 67 | IS : 3813-1967 | Specification for 'C' hooks for use with swivels. |
| 68 | IS : 3840-1966 | Specification for lining leathers. |
| 69 | IS : 3897-1966 | General requirements for cutting type dental instruments. |
| 70 | IS : 3889-1967 | Specification for dental chisels. |
| 71 | IS : 3907 (Part II)-1967 | Code for the transport of laboratory animals. |
| 72 | IS : 3907 (Part III)-1967 | Part II transport of snakes. |
| 73 | IS : 3908-1966 | Code for the transport of laboratory animals. |
| 74 | IS : 3933-1966 | Part III transport of frogs. |
| 75 | IS : 3937-1967 | Specification for a aluminium equal leg angles. |
| 76 | IS : 3938-1967 | Indian standard for colour identification of gas cylinders and related equipment intended for medical use. |
| 77 | IS : 3946-1966 | Recommendations for socketing of wire ropes with mon-tension metal. |
| 78 | IS : 3947-1966 | Specification for electric wire rope hoists. |
| 79 | IS : 3953-1966 | Specification for leather for leg guard. |
| 80 | IS : 3955-1967 | Code of practice for testing, installation and maintenance of marine portable fire appliances. |
| 81 | IS : 3963-1966 | Specification for high temperature combustion boats. |
| 82 | IS : 3967-1967 | Code of practice for design and construction of well foundations. |
| 83 | IS : 3968-1967 | Specification for roof extractor units. |
| 84 | IS : 3969-1967 | Specification for cutch. |
| 85 | IS : 3975-1967 | Specification for wattle bark. |
| 86 | IS : 3976-1967 | Specification for Goran bark. |
| 87 | IS : 3980-1967 | Specification for mild steel wires, strips and taps for armoured cables. |
| 88 | IS : 3982-1967 | Specification for safety rubber-canvas boats for miners. |
| 89 | IS : 3985-1966 | Specification for sintered metal powder oil-impregnated bearings. |
| 90 | IS : 3986-1966 | Specification for sheepskin leather for orthopaedic linings. |
| 91 | IS : 3987-1966 | Specification for leather for rugby ball. |
| 92 | IS : 3988-1967 | Specification for sodium lauryl sulphate for cosmetic industry. |
| 93 | IS : 3997-1967 | Specification for sorbitol solution (70 per cent). |
| 94 | IS : 3998-1967 | Specification for guar gum. |
| 95 | IS : 4000-1967 | Specification for jars, ointment. |
| 96 | IS : 4005-1967 | Specification for cups, medicine. |
| 97 | IS : 4006 (Part I)-1966 | Code of practice for assembly of structural joints using high tensile friction grip fasteners. |
| 98 | IS : 4011-1967 | Specification for tungsten carbide for mining tools. |
| 99 | IS : 4012-1967 | Methods of test for paper and pulp based packaging materials, part I. |
| 100 | IS : 4013-1967 | Methods for dermatological tests for cosmetics. |
| 101 | IS : 4014 (Part I)-1967 | Specification for dust-proof electric lighting fittings. |
| 102 | IS : 4014 (Part II)-1967 | Specification for dust-tight electric lighting fittings. |
| 103 | IS : 4017-1967 | Code of practice for steel tubular scaffolding. |
| 104 | IS : 4018-1967 | Part I definitions and materials. |
| 105 | IS : 4020-1967 | Code of practice for steel tubular scaffolding. |
| 106 | IS : 4022-1967 | Part II safety regulations for scaffolding. |
| 107 | IS : 4023-1966 | Specification for carpenters' squares. |
| 108 | IS : 4025-1967 | Specification for broiler feeds. |
| | | Methods of tests for wooden flush doors: type tests. |
| | | Specification for cemented carbide indexable through inserts. |
| | | Methods for the determination of reactivity of coke. |
| | | Gauging practices for ball and roller bearings. |

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| 109 | IS : 4027-1967 | Methods of chemical analysis of bronzes. |
| 110 | IS : 4030-1967 | Specification for cold rolled carbon steel strip for general engineering purposes. |
| 111 | IS : 4039 (Part I)-1967 | Code for packaging of readymade garments intended for export Part I seaworthy packaging. |
| 112 | IS : 4042-1967 | Specification for top rollers for speed frames. |
| 113 | IS : 4044-1967 | Specification for gents' slipovers. |
| 114 | IS : 4045-1967 | General requirements for magnetic compasses and binnacles, class A, for use in sea navigation. |
| 115 | IS : 4046-1967 | Specification for gents' cotton knitted briefs. |
| 116 | IS : 4047-1967 | Specification for heavy duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1000 volts. |
| 117 | IS : 4050-1967 | Methods of tests for horn switches for automobiles. |
| 118 | IS : 4051-1967 | Code of practice for installation and maintenance of electrical equipment in mines. |
| 119 | IS : 4054-1966 | Specification for neatsoot oil. |
| 120 | IS : 4055-1966 | Specification for maize (corn) oil. |
| 121 | IS : 4057-1967 | Specification for carpenters' metal bedded bench planes. |
| 122 | IS : 4059-1967 | Accuracy requirements for medium quality medium speed gears. |
| 123 | IS : 4060-1967 | Specification for flashers for direction indicators for automobiles. |
| 124 | IS : 4061-1967 | Specification for headlight switches for automobiles. |
| 125 | IS : 4062-1967 | Specification for foot operated head-light dip switch for automobiles. |
| 126 | IS : 4063-1967 | Specification for fuse box for automobiles. |
| 127 | IS : 4064-1967 | Specification for normal duty air-break switches and composite units of air-break switches and fuses for voltages not exceeding 1000 volts. |
| 128 | IS : 4067-1967 | Specification for tube, swab (West type), for throat. |
| 129 | IS : 4068-1967 | Specification for urcometer, Doemus type |
| 130 | IS : 4070-1967 | Specification for wheel weighers. |
| 131 | IS : 4071-1967 | Specification for master gears (module range 1.25 to 10). |
| 132 | IS : 4072-1967 | Specification for steel for spring washers. |
| 133 | IS : 4073-1967 | Specification for fish weights. |
| 134 | IS : 4075-1967 | Methods of macrostreak flaw test for steel. |
| 135 | IS : 4079-1967 | Specification for canned <i>rasogulla</i> . |
| 136 | IS : 4080-1967 | Specification for vehicle staff gauges. |
| 137 | IS : 4082-1967 | Recommendations on stacking and storage of construction materials at site. |
| 138 | IS : 4083-1967 | Specification for spring dividers. |
| 139 | IS : 4084-1967 | Specification for eyelets and washers. |
| 140 | IS : 4085-1967 | Specification for knives, amputating. |
| 141 | IS : 4086-1967 | Methods of test for distributors. |
| 142 | IS : 4087-1967 | Specification for pipette for haemoglobinometers and blood pipettes for biochemical work. |
| 143 | IS : 4089-1967 | Specification for forceps, clip removing, mictal pattern. |
| 144 | IS : 4090-1967 | Criteria for the design of reinforced concrete arches. |
| 145 | IS : 4091-1967 | Code of practice for design and construction of foundations for transmission line towers and poles. |
| 146 | IS : 4092-1967 | Specification for basket type centrifuges. |
| 147 | IS : 4094-1967 | Specification for forceps, sterilizer, Cheale's pattern. |
| 148 | IS : 4095-1967 | Specification for carpenters' pincers. |
| 149 | IS : 4096-1967 | Method of measurement of optical focal spot size of X-ray tubes. |
| 150 | IS : 4098-1967 | Specification for lime pozzolana mixture. |
| 151 | IS : 4102-1967 | Specification for leather for shuttlecock caps. |
| 152 | IS : 4103-1967 | Specification for metal nesting chairs. |
| 153 | IS : 4104-1967 | Methods of chemical analysis of rutile. |
| 154 | IS : 4105-1967 | Specification for styrene (vinyl benzene). |
| 155 | IS : 4108-1967 | Specification for press buttons. |

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| 156 | IS : 4109-1967 | Specification for kadahies. |
| 157 | IS : 4111 (Part I)-1967 | Code of practice for ancillary structures in sewerage system Part I manholes. |
| 158 | IS : 4111 (Part II)-1967 | Code of practice for ancillary structures in sewerage system Part II flushing tanks. |
| 159 | IS : 4111 (Part III)-1967 | Code of practice for ancillary structures in sewerage system Part III inverted siphon. |
| 160 | IS : 4112-1967 | Code of practice for fixing of polystyrene wall tiles. |
| 161 | IS : 4113-1967 | Specification for laryngoscopes. |
| 162 | IS : 4121-1967 | Method of test for determination of water transmission rate by capillary action through natural building stones. |
| 163 | IS : 4123-1967 | Specification for chain pipe wrenches. |
| 164 | IS : 4124-1967 | Glossary of terms relating to powders. |
| 165 | IS : 4125-1967 | Glossary of terms pertaining to defects in fabrics. |
| 166 | IS : 4128-1967 | Specification for fireman's leather boots. |
| 167 | IS : 4129-1967 | Methods of chemical analysis of aluminium trifluoride. |
| 168 | IS : 4130-1967 | Safety code for demolition of buildings. |
| 169 | IS : 4131-1967 | Specification for nickel-copper alloy castings. |
| 170 | IS : 4134-1967 | Recommended colour classification of rough diamond. |
| 171 | IS : 4139-1967 | Specification for sandlime bricks. |
| 172 | IS : 4142-1967 | Specification for discus. |
| 173 | IS : 4143-1967 | Specification for carrom-draughts |
| 174 | IS : 4144-1967 | Specification for carrom-strikers. |
| 175 | IS : 4149-1967 | Specification for post-mortom rubber gloves. |
| 176 | IS : 4151E-1967 | Specification for protective helmets for scooter and motor cycle riders. |
| 177 | IS : 4153-1967 | Specification for trolleys for gas anesthetic apparatus. |
| 178 | IS : 4154-1967 | Specification for endotracheal connections. |
| 179 | IS : 4158-1967 | Specification for solid embedded type electric heating elements. |
| 180 | IS : 4159-1967 | Specification for mineral filled sheathed heating elements. |
| 181 | IS : 4160-1967 | Specification for interlocking switch socket outlet. |
| 182 | IS : 4161-1967 | Specification for Nessler cylinders. |
| 183 | IS : 4163-1967 | Method for determination of inclusion content in steel by microscopic method. |
| 184 | IS : 4165-1967 | Specification for thermostats for general purpose electric ovens. |
| 185 | IS : 4172-1967 | Dimensions for radii under the head of the bolts and screws. |
| 186 | IS : 4187-1967 | Specification for skewers for use on cotton speed frames. |
| 187 | IS : 4201-1967 | Application guide for current transformers. |
| 188 | IS : 4202-1967 | Method for determination of chloride content of textile materials. |
| 189 | IS : 4206-1967 | Dimensions for nominal lengths and thread lengths for bolts, screws and studs. |
| 190 | IS : 4216-1967 | Specification for needle cages. |
| 191 | IS : 4217-1967 | Specification for needle rollers. |
| 192 | IS : 4219E-1967 | Specification for rice bran oil, edible grades. |
| 193 | IS : 4220E-1967 | Specification for solvent-extracted sesame oil. |

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